

The real power of the CFSP and ESDP!?

A theoretical and practical approach.

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Executive Summary

This thesis is dealing with the Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP).

Both of these policies are at the top of the agenda of the EU at the moment. Globalisation and conflicts in the Middle East and elsewhere in the world require that the EU is pursuing a common foreign policy. However, as the debacle over the crisis in Iraq has proven, the EU is still not in a position to speak with one voice.

The aim of this research paper is to find out more about the CFSP and ESDP in two ways. The theoretical parts show the historical development of the CFSP and ESDP and explain the legal aspects of the institutionalisation of these two policies. The practical parts explain to which extent the treaties, reports and declarations influenced the behaviour of the member states in practice.

The combination of the theoretical and practical aspects should lead to a comprehensive analysis that shows the real power of the CFSP and ESDP. The research is historically as well as up to date; this means that all major developments since World War II are considered, but that a special focus refers to the latest incidents (the ESDP, the war on terror, the Treaty establishing a Constitution for Europe, ...).

The topic of this research paper is not only interesting in its own respect, but also because the foreign, security and defence policy is and will continue to be an indicator and cornerstone for the integration of the EU as such. After the realisation of the coal and steel community, the common market and the single currency, the CFSP and ESDP constitute the main challenges for the unity of the European countries.

Especially the practical implications presented in the analyses of this thesis provide the reader with an idea what treaties, reports and declarations mean in 'high' or world politics. These aspects are necessary to understand what politics is really about.

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1. Introduction

The 'Common Foreign and Security Policy' (CFSP) and the 'European Security and Defence Policy' (ESDP) have gained unexpected importance over the last years. Due to the new security threats which emerged in the aftermath of the end of the cold war, the terror attacks of 9/11 and the unilateral actions of the US in the following 'war on terror' (which happened outside the sphere of NATO) this trend is likely to continue. The European Union (EU), if it wants to react properly on these new challenges and become a serious player on the world stage, needs to act united and let its 'voice' be heard.

The aim of this thesis is to find out more about the real strength of these two European Policies. How can we realistically assess the meaning of the statement made in the Treaty on the European Union which said that a 'common foreign and security policy is hereby established'? In which light do we need to see this regarding the split over Iraq? Will these developments lead to an overall federalisation of the EU?

The subtitle indicates that the answers on these questions should be found in two different ways. While the theoretical parts want to explain the historical developments (treaties, documents, reports, declarations, ...) of the CFSP and ESDP, the analyses want to find out if and to which extent the legal aspects influenced the behaviour of the member states in practice. By taking into account both, the theoretical progress and the practical implications, an answer should be possible if the power of the CFSP and ESDP merely can be described to be of a theoretical nature or if it consist of a 'real', respectively practical strength. The title insofar presents the main question (The real power of the CFSP and ESDP?) of this paper and indicates that this thesis also gives answers on this wuestion in a comprehensive way (The real power of the CFSP and ESDP!).

This thesis leaves away a lot of questions that would be of similar importance. It is not considering the 'common commercial policy'¹ that plays a fundamental role in foreign

¹ These include commercial and environmental measures and the impact of development aid and association policies with third countries.

policy and is governed by the first pillar of the Community. Neither are measures in the Justice and Home Affairs pillar (the third pillar) taken into account. The actors, even though being mentioned, are not compared and thoroughly examined. That the main decision maker in the sphere of CFSP and ESDP was, is and will remain to be the European Council is obvious. This paper finally is also not busy with questions regarding the democratic accountability of CFSP and ESDP or with the funding of it.

During the research for literature, I have found a lot of Articles dealing with specific issues or with the different schools of international relations. They helped me a lot in writing this thesis, but the discussions between -for example- realists and functionalists are mostly not based on the factual strength of the EU foreign policy, but on a specific interpretation why or why not the EU member states established cooperation in this field. The aim of this paper is to give an objective assessment on the question posed in this introducing chapter; that means leaving behind the dichotomy of the different theories of international relations. This question is insofar only focused on the evaluation of:

- The real power of the CFSP and ESDP?!

The first part examines the formation of alliance systems in Europe and the wider world. Then, the focus switches on the theoretical aspects of the institutionalisation of the European Political Cooperation (EPC) that started in the 1970s. After an analysis and an assessment of the consequences this developments had in practice, the thesis continues with the theoretical aspects (or the codification) of the CFSP, which was introduced with the Treaty on the European Union in Maastricht in 1992. Here the research again focuses on the most important steps and policies that have been made. An in-depth analysis concerning the real power of the CFSP follows, where it will be examined if the developments 'on paper' (in the treaties, declarations, ...) had a real impact on the behaviour of the member states and what they insofar meant for 'high' or world politics. The same method will then be applied on the ESDP, where again the theoretical aspects will be judged by the following practical analysis.

The history of the CFSP and the ESDP seems to be necessary in order to understand not only the development of the common foreign policy, but also the degree of integration that already exists inside the EU. Especially security matters and issues having military and defence implications are and will continue to be the main challenge for the unity of the EU. Significant steps forward in this area are therefore indicators and cornerstones for the EU as such. This leads us to the most urgent and contemporary events (and the next part of this thesis), the terrorist attacks of 9/11 and the following 'war on terror', which show us the real power of the CFSP and the ESDP just a few years ago. The following chapter wants to give an outlook for the future, but will -due to the non-ratification by France and the Netherlands- just deal shortly with the Treaty establishing a Constitution for Europe. It is, however, important to show if, and then to which extent the different member states have already reconciled themselves after the debacle concerning the Iraq war. Another reason why this part is important is because a lot of innovations in the Constitution regarding CFSP and ESDP may be introduced by the European Council without the ratification of the constitutional treaty. Insofar these provisions indicate the future direction of the EU's foreign, security and defence policy. In the concluding chapter, the results of the analysis should be collected to answer the question posed in the introducing chapter.

While in the theoretical parts most references are taken from primary literature (treaties, reports, declarations, ...), the analyses and practical parts use mainly secondary literature (books and articles). Especially articles have the advantage that they are mostly up to date and are easily available in the World Wide Web.

That the foreign, security and defence policies of the EU always have been very interesting for me is obvious. However, this is not the only reason why I am writing my Master Thesis about this subject. As already stated above, matters concerning CFSP and ESDP are (after the establishment of a coal and steel community, an economic community, a single market and a monetary union) on the top of the agenda. This importance is given due to the fact that the 'globalised' world view that emerged in the last 15 years makes a common approach to questions regarding CFSP and ESDP

indispensable. However, the general public a lot of times does not see these new problems and challenges, which may also be attributed to the fact that they have little idea about it. This Master Thesis insofar also wants to provide information on this topic and this -like I stated above- in a theoretical but also practical point of view.

Before the main part starts, it is however necessary to say that there is a linguistic difference between the words 'single' and 'common'. The foreign, security and defence policy was, is, and without much doubt will never be done in a 'single' way. Rather it has been tried to establish a 'common' approach and to which extent this has been successful constitutes the basic question of this research paper.

2. Theoretical part I: The establishment (and non-establishment) of alliance systems in Europe and the wider world after WW II.

The ‘Treaty of Alliance’, the Western Union (WU), the Western European Union (WEU) and NATO.

Just a few years after the Second World War it again seemed necessary to form alliances in Europe. The fears of German aggression and the establishment of Communist regimes in Eastern Europe including a high numbers of armed forces were the main reasons why European countries were considering closer military cooperation.

The beginning was made with the ‘Dunkirk Treaty’ or ‘Treaty of Alliance’ between France and the United Kingdom, which was signed on 4 March 1947. It guaranteed mutual assistance in case of armed aggression². On 17 March 1948 this alliance was extended to the Benelux countries (Belgium, Netherlands and Luxembourg) by signing the ‘Treaty of Brussels on the Western Union’ or ‘Treaty of economic, social and cultural collaboration and collective self-defence’. The aim was to protect human rights, democracy and liberty but also to strengthen the social, economical and cultural ties between these countries. The most important is Article IV, which states that: “If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power”³. The Paris Agreement of October 1954, called the ‘Protocol Modifying and Completing the Brussels Treaty’ allowed Italy and Germany to join this alliance and established the Western European Union (WEU)⁴.

² The Treaty of Dunkirk mentioned mainly fears of an aggressive Germany as the reason for the alliance. See: <http://www.ena.lu?lang=1&doc=3147> (09.07.2006). However, the Soviet Union seemed to be a much more urgent threat at this time and insofar played an important role for the establishment of this coalition. See also: http://www.bpb.de/publikationen/5GNKEB.1.0.Frankreichs_Rolle_in_der_Welt.html (09.07.2006).

³ <http://www.ena.lu?lang=2&doc=1570> (09.07.2006)

⁴ For more information look especially at: <http://www.weu.int> (09.07.2006) With the establishment of the WEU, Article IV was changed into Article V.

Even though the power of the WEU in the following decades was rather limited, it was an important step which provided the basis for all following actions and decisions. Especially the need of economic recovery in Europe, the perceived threat of a bipolar world and the need to integrate Germany (and Italy) insofar established the first system of mutual assistance, consultation and co-operation. However, the WEU was soon in the shadow of a much more powerful organisation.

The North Atlantic Treaty Organisation (NATO)⁵ was established by the ‘North Atlantic Treaty’, signed on 4 April 1949. Every WEU country was aware of the necessity to become an ally of the United States (US) and insofar the NATO “was to represent one of the crucial foundations of European security in the second half of the 20th century”⁶. Up till today NATO represents the most comprehensive alliance system in the world, mainly because of its military strength but also because it consists of so many member countries⁷.

That the most important security and defence pact for Europe not only included just European countries is historically easy to understand. After two terrible World Wars, Europe was in nearly all areas destroyed and weak. With the emergence of the Cold War it had to side with one of the two ‘new’ superpowers, because geographically it lay in the middle and it was long perceived that it would be the battlefield of any future aggression. NATO provided security in Europe in a unique way. Without it Europe probably would have been overran by the Soviet Union. However, it is also clear that because of the emergence of the NATO the need to form a strong common foreign and security policy was never so urgent. Only once, at the beginning of the 1950s, there was a real chance to

⁵ The 12 members of NATO in 1949, beside the five fully incorporated WEU countries, were US, Canada, Denmark, Norway, Iceland, Portugal and Italy. After the war Korean War in June 1950 also Greece and Turkey were included in 1952 considering their strategic importance. Pressure from the US to include West Germany (FRG) into the NATO structures existed from the beginning of the 1950ies; however, it needed the collapse of the EDC/EPC (see later) in 1954 to make it possible for the FRG to join in 1955.

⁶ Roberto Francia, Miguel Angel Medina Abellan, *Striving for a Common Foreign Policy. A Brief History*, in: Dieter Mahnke, Alicia Ambos, Christopher Reynolds (Ed.), *European Foreign Policy. From Rhetoric to Reality*, Peter Lang, Brussels, Second Printing 2006, p. 118.

⁷ At the moment NATO consists of 26 countries. The most important hereby is Article V. The whole treaty can be found at: <http://www.nato.int/docu/basic/txt/treaty.htm> (09.07.2006)

form a single European army (see EDC in the next chapter). However, with the rejection to realize this plan in 1954 by the French parliamentary Assembly, NATO definitely became the most important security organisation for Europe.

Another important step to strengthen peace and stability in Europe was the Schuman Declaration⁸ of 9 May 1950. Following this proposal, France, Germany, Italy and the three Benelux countries signed the ‘Treaty of the European Coal and Steel Community’ (ECSC) on 18 April 1951 that entered into force on 24 June 1952. Through bringing coal and steel, which were the main war materials in these times under a supranational authority, war between these six European countries was made practically impossible. This treaty had no consequences on foreign policy matters. However, following this functional integrationist approach soon a plan was framed that could have had far reaching consequences in foreign and security affairs.

The European Defence Community (EDC) and the European Political Community (EPC)⁹

The outbreak of the war in Korea on 26 June 1950 and pressure from the US to rearm Western Germany, which in the case of a conflict inside Europe between the eastern and the western blocs would logically have been at the front line¹⁰, again inspired Jean Monnet to organise a European defence with comparable structures to that of the Schuman proposal. René Pleven, French Premier and former Minister of Defence, was asked to give a proposal which should lay down the establishment of a common European army that also would have included the FRG. After submitting the so called

⁸ This Declaration has its name from the French Foreign Minister Robert Schuman, who was inspired by Jean Monnet.

⁹ For the following, look also at: Kathrin Blanck, *Die Europäische Sicherheits- und Verteidigungspolitik im Rahmen der europäischen Sicherheitsarchitektur*, Springer, Wien, New York, 2005, p.98f., Juliane Glöckner-Fuchs, *Institutionalisierung der europäischen Außenpolitik*, Oldenbourg, München, 1997, p.79-87 and <http://europa.eu/scadplus/leg/en/lvb/r00001.htm> (10.07.2006).

¹⁰ Additionally there was the coup d'état of Czechoslovakia in 1948, the Berlin-Crisis of 1948/49, the fact that the Soviet Union became a nuclear power in 1949 and the malaise that the ‘European’, respectively French and British soldiers were partly stationed outside Europe in Indochina and Malaysia.

'Pleven-plan' to the *Conceil de la République* it was submitted to the French National Assembly on 24 October 1950.

The main features of this plan included:

- a European army with 100.000 men and the inclusion of Germany
- a European Minister of Defence
- a common budget
- the supreme command would still be within NATO

The 'Treaty establishing the European Defence Community' was finally signed on 27 May 1952 by all ECSC members, but later would have been to be ratified by all countries. This treaty differed from the original 'Pleven plan' insofar as it would have established a Collegial Commissariat of nine members, a Council of Ministers, an EDC Assembly¹¹ and 40 national divisions of 13.000 men that would have shared the same uniform.

However, to be able to control a European Army in a democratically way, Article 38 of the Treaty establishing the EDC stated that also a complementing European Political Community (EPC) should be realised. The proposals from the Belgian Foreign Minister Paul Henri Spaak would have included a two-chamber parliamentary assembly, a European Executive Council, a Council of Ministers and a Court of Justice and insofar would have proclaimed "a supranational European Community, in which member states would clearly be relegated to a secondary position and would transfer sovereignty in the conduct of their external relations"¹².

After the treaty had been ratified by the Benelux countries and Germany and with Italy being on the way to ratify the document, the French National Assembly however rejected the idea by a vote of 319 to 264 on 30 August 1954. Heavy discussions in France prior to

¹¹ For a good overview of the working methods of the EDC as it was proposed in the treaty, look at: <http://www.ena.lu/?lang=2&doc=3349> (30.06.2006).

¹² Roberto Francia, Miguel Angel Medina Abellan, *Striving for a Common Foreign Policy*, p. 119.

the vote showed how sensitive this topic was for the French people. The idea of German rearmament, the end of the Korean War, the death of Stalin and military casualties of the French army in Indochina finally were the decisive factors for the defeat of the EDC/EPC.

The EDC and the EPC were certainly the most ambitious projects in the context of military and political integration. Never again would the powers of the common foreign and security policy be so extensive than in this proposal. For many politicians who favoured the supranational idea, this was a heavy setback. However, in politics it is rarely useful to ask ‘what would have been, if ...’. The fact is that the project collapsed and for a long time nobody believed in the possibility of creating something like what had been proposed through the EDC and the EPC. All later attempts would focus much more on the idea of intergovernmentalism concerning a common defence, but also regarding the EPC which died in 1954 together with the EDC.

The Treaty of Rome, which established the European Economic Community (EEC) and the European Atomic Energy Community (Euratom) in March 1957 kept the nation states as the masters of their foreign policy¹³ and insofar “made no reference to a common foreign or security policy”¹⁴.

The Fouchet plans

On 10.02.1961 the heads of states and governments (actually initiated by Charles de Gaulle) of the then six member states decided to propose a plan for a closer political union under the chairmanship of Christian Fouchet, a French diplomat. It was envisaged that major political decisions concerning foreign and defence policies, as well as cultural and scientific matters, should be taken unanimously by the heads of states and

¹³ Except for sure in the Common Commercial Policy (CCP) and partly in the Common Agricultural Policy (CAP), where the Commission was enabled to represent the Community externally and to sign international agreements.

¹⁴ Ben Soetendorp, *Foreign Policy in the European Union. Theory, history and practice*, Longman, London, New York, 1999, p. 68.

governments. This included solely intergovernmental instruments, such as regularly consultations, unanimity and constructive abstention. However Article 2 of the draft Treaty stated that the aims of the future Union would be:

“- to bring about the adoption of a common foreign policy in matters that are of common interest to Member States [...and]

- to strengthen, in co-operation with the other free nations, the security of Member States against any aggression by adopting a common defence policy”¹⁵.

A separate European Political Commission should be established in Paris, “leaving the EEC Commission in Brussels with the ordinary economic agenda-setting role assigned [to] it by the Treaty of Rome.”¹⁶ The other five member states however were discontent with the French proposal because it had far too less integrative and supranationalistic elements and consisted mainly in intergovernmental aspects. A second Fouchet-plan was announced on 18.01.1962 which even included economic aspects that normally were governed through the EEC, but continued with the intergovernmental approach. Negotiations were finally stopped on the 17.04.1962. The rejection of the Fouchet plans showed how the views diverged between de Gaulle’s France and the other five member states, which also feared that their foreign policies may be dominated by France. Another point which troubled the relationship between France and the other five was the question how to deal with NATO respectively the US and also the future membership of the UK in the EEC.

The Elysée Treaty

After the collapse of the Fouchet plans, French president Charles de Gaulle was eager to establish a close system of bilateral cooperation with Germany. The ‘Elysée Treaty’ or ‘Treaty of Friendship’, signed on 22 January 1963, institutionalised regular meetings and cooperation between the two countries.

¹⁵ The whole draft treaty can be found under: <http://www.ena.lu?lang=2&doc=16387> (10.07.2006)

¹⁶ David M. Wood, Birol A. Yesilada, *The Emerging European Union*, Longman Publishers, New York, 1996, p. 37

Concerning foreign affairs the treaty stated in point 2.A.1.: “The two Governments shall consult each other, prior to any decision, on all important questions of foreign policy and in the first place on questions of common interest, with a view to reaching, as far as possible, an analogous position”¹⁷.

Regarding Defence point 2.B. says that the following objectives should be pursued:

“1. In the field of strategy and tactics the competent authorities of the two countries shall endeavour mutually to approximate their doctrines with a view to reaching common concepts. Franco-German institutes of operational research shall be set up.

2. Exchanges of personnel between the armed forces shall be increased: [...]

3. With regard to armaments the two Governments shall endeavour to organise work in common beginning at the stage of drawing up suitable armament projects and of preparing plans to finance them.

To this end mixed commissions shall survey current research undertaken on such projects [...]. These commissions shall submit proposals to the ministers who shall examine them at their quarterly meetings and shall give the necessary directives for implementation.

II. The Governments shall study the conditions on which Franco-German collaboration can be established in the field of civil defence”.

Even though this is generally accepted to be the beginning of the so called ‘axis Paris-Bonn’, which influenced the history of the EEC for the following 30 years, it is noteworthy to add that Andrew Moravcsik stated that the Treaty was “a symbolic document without any binding provisions. [...] Both de Gaulle and Adenauer acted in any case as if the text did not exist: de Gaulle had just vetoed British entry without consulting Germany, and, in the weeks following, Adenauer accepted the MLF [Multilateral Force] without consulting the French”¹⁸.

¹⁷ The whole treaty can be found under: <http://www.ena.lu/?lang=2&doc=1378> (10.07.2006)

¹⁸ Andrew Moravcsik, *The Choice for Europe. Social Purpose & State Power from Messina to Maastricht*, UCL Press, London, 1998, p. 227.

3. Theoretical part II: Starting cooperation in foreign policy in Europe.

European Political Cooperation (EPC)

After Charles de Gaulle had paralyzed the integration of Europe for nearly a decade, his predecessor George Pompidou called for a Summit meeting to discuss further proceedings. This action was widely welcomed by the other five member states. At the The Hague Summit meeting on the 1st and 2nd of December 1969¹⁹ it was concluded to complete existing policy goals, the deepening of the integration process and enlargement concerning new member states (the UK, Ireland and Denmark).

The Belgian diplomat Etienne Davignon was asked to deliver a report on how to coordinate the national foreign policies and the political cooperation of the member states. This 'Luxembourg' or 'Davignon Report', as it was called, was submitted at the Luxembourg meeting of Foreign Ministers on the 27.10.1970 and successfully established the EPC for the first time. The objectives which had been set up concerned a better mutual understanding, a harmonization of the different national views "and joint action when it appears feasible and desirable"²⁰. Therefore the Foreign Ministers of the States were said to meet at least every six months and a Political Committee (PoCo), made up of the Political Directors of the member states, would meet at least four times every year. Additionally, the Governments should consult each other on all major questions of foreign policy, but the European Commission and Parliament were kept outside this process as much as possible. All governments and parties were very careful formulating the Luxembourg Report and the EPC "was thus [mainly] built on reciprocal understandings and practices, and in many respects the image was that of a 'club' with its own rituals and conventions"²¹. The provisions were neither legally binding nor did they

¹⁹ For the following also look at: Wolfgang Wessels, *Theoretical Perspectives. CFSP beyond the Supranational and Intergovernmental Dichotomy*, in: Dieter Mahnke, Alicia Ambos, Christopher Reynolds (Ed.), *European Foreign Policy. From Rhetoric to Reality*, p. 74f.

²⁰ The whole report can be found under: <http://www.ena.lu/?lang=2&doc=881> (11.07.2006)

²¹ Michael Smith, *The framing of European foreign and security policy: towards a post-modern policy framework?*, *Journal of European Public Policy* 10:4 August 2003, p. 564.

mention an independent Secretariat that would have controlled the execution of the Report. It was also not mentioned that this situation should somehow change in the future and it was sure that any supranational elements were out of question. “France, in particular, was determined that no taint of Community or supranational procedures should sully the pure milk of national foreign policy”²². However, this Davignon Report nevertheless had consequences for the future direction of the foreign policy of the EEC, but after difficult years concerning European integration everyone was aware that it had to happen in little steps. Even though the other governments in the most part followed the intergovernmental approach, the success of the EPC in the following years showed how difficult it is to have a Common Foreign Policy on a solely intergovernmental basis.

Following, on the 23.07.1973, the foreign ministers adopted the Copenhagen Report, which established the “Correspondents Group and the COREU permanent telex network, i.e. a system by which the foreign affairs ministers of the member states could remain in permanent contact and could have access to the same information at the same time”²³. This meant an intensification of the EPC, which could also be seen in the fact that the Foreign Ministers of the member states were meeting from now on every three instead of every six months but again meant nothing more than a political commitment.

The greatest success for the EPC and the still infantile ‘European voice’ was at the Conference on Security and Defence in Europe (CSCE) in 1975, when Aldo Moro, Italian Prime Minister and President of the Council of Ministers, negotiated and signed the final act on behalf of the whole Union. This also was affected due to external reasons -mainly the Arab-Israeli conflict²⁴- which showed how vulnerable the European states are in a more and more interdependent world and that a coherent foreign and security policy

²² Simon Nuttall, *Two Decades of EPC Performance*, in: Elfriede Regelsberger, Phillipe de Schoutheete de Tervarent, Wolfgang Wessels (Hg.), *Foreign Policy of the European Union. From EPC to CFSP and Beyond*, Lynne Rienner, London, Colorado, 1997, p.19.

²³ Roberto Francia, Miguel Angel Medina Abellan, *Striving for a Common Foreign Policy*, p. 126.

²⁴ “As a matter of fact, EPC received its initial major impulse from the need to coordinate the various national policies during the Middle East War in 1973, when the Arab selective use of the oil weapon demonstrated the vulnerability of the Community to external events”. Ben Soetendorp, *Foreign Policy in the European Union*, p. 80.

insofar is necessary for an effective economic policy²⁵. With more consistency between the EC and the EPC on the other hand, Europe realized that it could use economic measures as an instrument in pursuit of its own interests. These actions, also described as ‘soft power’, pointed the way for the future of Europe as a global power.

The third important document of the EPC was the ‘London Report’ or ‘Report on European political cooperation’²⁶, which emerged at the meeting of the Foreign Ministers in London on 13 October 1981. It stated, that EPC should be a central point of reference for the foreign policies of the member states and that they should not only react on events, but should try to shape them. It tried to codify some of the practices that have already been used in practice since the Luxembourg Report. Internal conformity and the possibility to speak with a single voice again were on the top of the agenda. Additionally it is said that the Commission should be fully associated in the work of EPC at all levels. To be able to react more quickly on crisis situations, meetings of the Political Committee or ministerial meetings at the request of three member states were now possible within 48 hours. Finally, the old plan to establish a small EPC Secretariat that would assist the Presidency was introduced for the first time.

The ‘Genscher-Colombo Plan’ -put forward by the Foreign Ministers of Germany and Italy in November 1981- had the ambitious goal to merge the external relations of the EEC and the EPC while also strengthening the role of the European Parliament. However, after negotiations which lasted for two years, this only “resulted in the disappointing Stuttgart Solemn Declaration of June 1983”²⁷. No new initiatives resulted, but the responsibility of the European Council to guarantee coherence and cooperation between the EEC and the EPC was stated clearly. Common and concerted actions concerning international problems hereby referred not only to foreign policy, but also

²⁵ See especially: Rina Weltner-Puig, *Common Foreign and Security Policy in the EU and the Mediterranean Region*, Working Paper n.10, Institut Universitari d'Estudis Europeus, Barcelona, October 2001. Available under: http://selene.uab.es/cs_iuee/catala/obs/Working%20Papers/wp102001.html (18.07.2006)

²⁶ The whole Report is available under: <http://www.ena.lu?lang=2&doc=16495> (15.07.2006)

²⁷ Simon Nuttall, *Two Decades of EPC Performance*, p. 21.

included security aspects that could be handled through the economic and political power of Europe. However, this Declaration was again not legally binding.

4. Analysis I: Interim results and practical implications

It is interesting to see that the chances to create a Common Foreign and Security Policy which would include strong supranational elements and insofar have a real strong power existed mainly at the outset of the integration process of the 1950s. The fact that this process may be described as regressive or in decline may be somehow even considered 'funny', but on the other hand was definitely influenced by historical events. The federalist approach, which gained big support during and immediately following the Second World War, experienced its first major setback with the rejection of the EDC and the EPC and required decades to recover. The EPC, which was then established in the 1970s, can in no way be compared with the initiatives 20 years earlier. However, the international environment, mainly due to the effect of globalisation, again made it necessary to consider a strong and united Europe.

Even though the first steps in direction of a Common Foreign Policy have been taken throughout the 1970s and 1980s, it is worthy to look which consequences this had in practice. In the Middle East Crisis²⁸, especially the Six Days War of 1967, the limits of concerted European actions could clearly be seen. Historical commitments and contemporary interests divided Europe between support of Israel (Netherlands and Germany) and the support of the Arabs (mainly France). After the outbreak of the Yom Kippur War in 1973, a French initiative established the Euro-Arab-Dialogue at the European Council in Copenhagen in December 1973. Even though it was a first attempt to act together, the powers of this initiative were still very low and in political terms everything depended highly on the United States. Europe, for its part, was trapped in a situation that was without easy solution and which complicated the development of coherence regarding their common foreign policies. Perhaps the only common goal of all European states was the wish to foster peace in the Middle East. However, economic interests²⁹, especially the oil question -which for the first time was used as a lever for

²⁸ For the following, look especially at: Juliane Glöckner-Fuchs, *Institutionalisierung der europäischen Außenpolitik*, p. 108-325.

²⁹ The oil embargo of the Arab states on the other hand (much more than voluntary deliberations of the EEC states) forced the European nations immediately to search a common position. "Wie die

political questions-, cultural ties and responsibilities always divided the different nations. Another factor which influenced the unity of the EU was that for many countries the relation with the US was still the most important (except for France). This could be seen clearly with the ‘Gymnich Agreement’, which was an informal gentleman’s agreement that actually meant that the US should be informed of all actions of the EPC through the Presidency prior to any actions. All of this made concerted actions all the more difficult³⁰.

The Venice Declaration³¹ of 13 June 1980 again had more far reaching goals than the previous declarations and is sometimes called the first initiative for peace by the EPC. However, due to pressure from the US the original draft again had to be revised and the “Europeans found that there were limits to their ability to frame autonomous policies [...]”³².

Consensus and conformity between the EEC member states depended heavily on the situations and circumstances of the conflicts or crises. The more vital interests of one or the other member states were involved, the more difficult it was to reach a common position. Another important factor, however, was if the European states were prepared for possible crisis management or merely reacted on it. Finally, the responds also depended on the Presidency in office at the time and insofar which procedures were installed.

While the reaction to the coup d’état in Cyprus by Greece in July 1974 and the following Turkish invasion of the northern part of the island was surprisingly quick and comprehensive, the same can not be said regarding the Teheran hostage crisis in November 1979. It is obvious to say that it was always more difficult to find a common

Verlaufsdarstellung eindeutig zeigt, resultierte die erste offizielle EPZ-Erklärung nicht aus dem freien Wunsch und Entschluß der Europäer, gemeinsam Stellung zu beziehen, sondern aus empfundener Notwendigkeit, auf tangierende Herausforderungen dritter Staaten gegenüber EG-Europa geschlossen reagieren zu müssen“. Ibid, p. 195. However, at the end the Euro-Arab-Dialogue failed to reach any solutions and collapsed in 1979.

³⁰ In general it can be said, that even though internal events (for example the influence of Charles de Gaulle) were for sure important, external incidents or crisis a lot of times even had more reaching consequences and that the “European foreign policy [insofar] must be seen in the wider frame of dependence on and reaction to exogenous forces”. Michael Smith, *The framing of European foreign and security policy: towards a post-modern policy framework?*, p. 560.

³¹ The whole text is available under: <http://www.medea.be/index.html?page=&lang=&doc=52> (15.07.2006)

³² Simon Nuttall, *Two Decades of EPC Performance*, p. 27.

point of view when world affairs were affected, respectively when the situation involved one or both of the former superpowers, the US and the USSR. The invasion of Afghanistan in December 1979 by Soviet troops was seen as an example of this and again showed the deficiencies in the mechanisms to deal properly with such incidents. Ill-prepared, uncoordinated and insofar too late were also the proceedings against the announcement of Martial law in Poland on 13 December 1981.

As it can be seen clearly, there can be no talk of a real common foreign policy up to the 1980s. Even though the European countries tried to establish joint actions and policies, reality showed the difficulties this would face and that little steps were the most the internal, but also external environment would allow. However, this fostered the European approach over time and the European voice insofar that it became more and more normal to consider also the foreign policies of the other member states (the so called 'coordination-reflex'). The experience gained through permanent meetings of the Foreign ministers, the political directors and the Working Groups, the installation of the COREU permanent telex network and the work of the Presidency in office lead all to the formation of mutual trust and common interests and finally to the next step.

5. Theoretical part III: Codifying the foreign policy of the EU

The Single European Act (SEA)

The SEA, which was signed on 17 February 1986, was the first legal document that codified the political practices of the last 20 years and the institutional set up of the EPC. The name ‘Single European Act’ meant that it brought together the European Communities and the political cooperation in foreign affairs and insofar established for the first time a kind of two-pillar-structure. This umbrella structure that combined the EPC and the EEC should again help to bring about more consistency in European affairs, but nevertheless kept both areas clearly distinguished. The SEA follows mainly, but not entirely, the proposals from the ‘Report from the ad hoc Committee on Institutional Affairs to the European Council’³³ of 29 and 30 March 1985 put forward from the Dooge Committee.

Already Article 1 of the SEA says: “The European Communities and European Political Co-operation shall have as their objective to contribute together to making concrete progress towards European unity”³⁴.

The most important, with regard to the topic of this thesis, is Title III. Beside the goal to implement a European foreign policy, in Article 30.2.(a) the following is said: “The High Contracting Parties undertake to, inform and consult each other on any foreign policy matters of general interest so as to ensure that their combined influence is exercised as effectively as possible through coordination, the convergence of their positions and the implementation of joint action”. Article 30.5. states: “The external policies of the European Community and the policies agreed in European Political Co-operation must be consistent”. The responsibility for this should be exercised by the Presidency and the Commission, which shall be fully associated. Finally, the establishment of a permanent

³³ The whole Report is available under: <http://www.ena.lu?lang=2&doc=11494> (16.07.2006)

³⁴ The whole text of the SEA is available under: <http://www.bmdf.co.uk/singleeuropeanact.pdf> (16.07.2006)

Secretariat was mentioned (see Article 30.10(g)) that should be located in Brussels. Additionally, it was concluded that the working groups of the EPC should from now on meet in Brussels and not anymore in the capital of the Presidency. With this there started a process that later should be called the 'Brusselisation' of the national foreign policies.

The principle of intergovernmentalism concerning foreign policies, however, was still maintained. Military and defence matters were attributed to the NATO and the WEU and no specific measures to respond quickly to crisis situations were introduced in the SEA³⁵. Also, in the "case of deviant behaviour of member countries [...] no sanction mechanism was installed. The good reputation among peers was perceived as the major incentive to stick to the rules of this regime of cooperation"³⁶.

The Treaty of Maastricht (TEU-MV)

There exist different reasons why the leaders of the European states saw it as necessary to strengthen the Union's foreign policy with the TEU-MV ('Treaty on European Union'), which was signed on 7 February 1992 and entered into force on 1 November 1993. The most obvious was the breakdown of Communism in 1989 and the implications this had for the wider world, respectively Europe. Other reasons were the reunification of Germany, the collapse of the former Yugoslavia, the first Gulf War and pressure from the US who wanted to decrease its military expenditures in Europe and insofar urged the EU to take up more responsibility for their own security.

The TEU (MV) established the so called three-pillar-model, with the CFSP being the second pillar beside the European Community (EC) as the first pillar –instead of the European Economic Community (EEC)- and the Justice and Home Affairs (JHA) as the third pillar. The main difference between the first and the other two pillars is that while in

³⁵ The SEA only "allowed that the 'political and economic aspects of security" could be discussed within EPC". David Allen, *'Who speaks for Europe?': the search for an effective and coherent external policy*, in: John Peterson, Helene Sjursen (Ed.), *A Common Foreign Policy for Europe? Competing visions of the CFSP*, European Public Policy Series, Routledge, London, 1998, p. 49.

³⁶ Wolfgang Wessels, *Theoretical Perspectives*, p. 76.

some areas qualified majority voting (QMV) is possible in the first pillar, the work in the other two is still mainly performed intergovernmentally³⁷.

Title V of the TEU-MV, which replaces the EPC, starts with “[a] common foreign and security policy is hereby established [...]”³⁸. The key objectives of the CFSP are defined in Article J.1.2 TEU-MV and refer to safeguarding the common values and interests, strengthening the security and promoting peace, cooperation and democracy in the Union and the wider world. For the first time, two new instruments were added to the area of CFSP. These are common positions (Article J.2) and joint actions (Article J.3). Article J.4 also mentions for the first time security matters of the Union, but the definition is still very careful and insofar just states that this includes “the eventual framing of a common defence policy, which might in time lead to a common defence”. However, the WEU is from now on said to be an “integral part of the development of the Union”, which might be requested from the Union to “elaborate and implement decisions and actions”.

The main decision maker in the sphere of the second pillar is the European Council, which defines the principles and the general guidelines of the CFSP. Beside, the Presidency should represent the Union and be responsible for the implementation of common measures. Hereby, the so called ‘Troika’ was established, which means that the previous and the next member states holding the Presidency should assist the work of the current Presidency. The Commission, even though being fully associated, continued to have no right of initiative regarding CFSP matters, but should -along with the Council- be responsible for the consistency of the CFSP. The powers of the European Parliament were also limited as far as possible and just granted the right to ask questions and to make

³⁷ Christopher Hills states very correctly, that: “[...] the device of three Pillars was used to give the appearance of a single construction while keeping the CFSP intergovernmental”. Christopher Hill, *The Evolution of the Common Foreign and Security Policy of the European Union*, in: Hanspeter Neuhold, Ernst Sucharipa (Ed.), *DA Favorita Papers 02/2003. The CFSP/ESDP after Enlargement. A Bigger EU = A Stronger EU?*, Diplomatic Academy Vienna, 2003, p. 11.

³⁸ The whole text of the treaty is available under: <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html> (18.07.2006). “[I]nterestingly, in the Amsterdam Treaty in 1997 the phrase was changed to a more modest ‘The Union shall define and implement a common foreign and security policy ...’”. Alicia Ambos, Dieter Mahnke, Christopher Reynolds, *Introduction*, in: Dieter Mahnke, Alicia Ambos, Christopher Reynolds (Ed.), *European Foreign Policy. From Rhetoric to Reality*, p. 17.

recommendations. To the European Court of Justice virtually no powers were conferred³⁹.

Like regarding the SEA, however, it can be stated that the “crucial weakness of [... the provisions and instruments in the TEU-AV are] attributed to the lack of enforcement mechanisms for accomplishing the various duties and obligations which the TEU imposes”⁴⁰.

The Treaty of Amsterdam (TEU-AV)

In the light of ongoing crisis situations around the borders of the EU and the wider world, the European countries soon realized that the provisions made in the TEU-MV were insufficient to deal properly with such events. Hopes to strengthen the European identity through the framing of a CFSP insofar lead to the so called ‘expectations-capability-gap’. This was mainly attributable to vague definitions and -like stated above- the absence of a sanction system that could enforce the provisions of the TEU-MV.

The TEU-AV also had to take into account the enlargement of 1995, which included three neutral countries (Sweden, Finland and Austria) into the EU. Especially, however, the TEU-AV should prepare the EU on the fifth enlargement that would bring eight Eastern European countries plus Malta and Cyprus into the realm of Europe in 2004 (and Bulgaria and Romania in 2007 or 2008).

³⁹ “In this connection it is important to emphasize that although the TEU has incorporated the CFSP provisions in the Union’s *acquis communautaire*, it has not made the CFSP part of the judicial system of the EC”. In: Ben Soetendorp, *Foreign Policy in the European Union*, p. 70. Regarding this topic, especially look at: Inge Govaere, *The External Relations of the EU. Legal Aspects*, in: Dieter Mahnke, Alicia Ambos, Christopher Reynolds (Ed.), *European Foreign Policy. From Rhetoric to Reality*. Here, on p. 104 it is said, that “the ECJ [European Court of Justice] has no jurisdiction with respect to CFSP matters” and on p. 105 it is stated that “the CFSP is not based on the rule of EC law and is not subject to the EC law principles of direct effect and primacy”.

⁴⁰ Noriko Watanabe, *The EU striving to become a world player on the world stage*, Master Thesis of the European Studies 2004/05, Universität Wien, p. 13.

The new features of the TEU-AV again aimed to bring more consistency, effectiveness and unity for the actions of the EU⁴¹. The first of these new instruments were the ‘Common Strategies’ (see Article 12 and 13⁴²). Beside, joint actions and common positions were defined more clearly. Another important new feature is the concept of ‘constructive abstention’, which is laid down in Article 23.1. That meant that member states could abstain from votes in the Council without preventing the adoption of these decisions. These member states then should “not be obliged to apply the decision” or to finance them, but should “refrain from any action likely to conflict with or impede Union action”. However, if more than a third of the weighted votes should favour abstention the decision should not come into force.

Additionally, QMV in the Council was increased concerning the following actions:

- “- when adopting joint actions, common positions or taking any other decision on the basis of a common strategy;
- when adopting any decision implementing a joint action or a common position” (see Article 23.2).

However, important or vital reasons of any member state again could prevent that a decision could be taken through QMV and matters regarding military and defence only could be decided unanimously.

A new political body, the Secretary-General of the Council and High Representative for the common foreign and security policy (HR-SG) was introduced in Article 26 and Article 18.3. His task was said to assist the Council and the Presidency in CFSP matters,

⁴¹ However, as David Allen stated: “[...] the Treaty was a major disappointment for those who hoped that the EU would take bold steps towards reforming its institutions, both to prepare for enlargement and to give the EU a more coherent and effective foreign policy”. David Allen, *Who speaks for Europe?*, p. 54.

⁴² The whole text of the TEU-AV is available under: <http://europa.eu/eur-lex/en/treaties/dat/amsterdam.html#0145010077> (20.07.2006) In general it can be said that the first three Common Strategies (-on Russia, (Cologne European Council of 3 and 4 June 1999), -on the Ukraine (Helsinki December 1999), -on the Mediterranean Region (Santa Maria de Feira June 2000)) did not have a significant impact. However, the last Common Strategy, the European Security Strategy soon gained a lot of importance.

but to the post “was given neither resources nor competences of its own”⁴³. Nevertheless, a lot of articles emphasise, that the introduction of the HR-SG was the most important innovation of the TEU-AV. This is for sure also attributable to the fact that at the European Council meeting in Cologne on 3 and 4 June 1999 the political ‘heavy weight’, former Spanish Foreign Minister and NATO Secretary General, Javier Solana was appointed as HR-SG⁴⁴. At the European Council meeting in Brussels in June 2004 his mandate was renewed for another term of five years⁴⁵. He is from now on assisted by the ‘Policy Planning and Early Warning Unit’, or short ‘Policy Unit’ that works under the supervision of the Council Secretariat and should help to foresee crisis situations and work out necessary ways how to react on them.

Article 17.2 TEU-AV included the Petersberg tasks⁴⁶ of the WEU explicitly into the EU and the Union is now able “to avail itself of the WEU to elaborate and implement decisions and actions” (Article 17.3). Therefore, the financial provisions were cleared insofar all operations –except for military or defence matters- would now be paid by the budget of the Community.

Concluding, however, it might be said that the TEU-AV again made no quantum leap concerning CFSP matters, “but [...] is just enough [...] to keep debates about the evolution of the EU’s external role alive and lively”⁴⁷. It is obvious that due to the sensitiveness of foreign policy issues, no more compromises could be reached, but the importance of this topic actually would have required more progress.

⁴³ Roberto Francia, Miguel Angel Medina Abellan, *Striving for a Common Foreign Policy*, p. 140.

⁴⁴ However, there “will undoubtedly be problems associated with the coordination of activities between the High Representative for CFSP (for military matters) and the Commissioner responsible for External Relations (for civilian matters)”. Neil Winn, *The European Union’s External Face. The ‘Europeanisation’ of JHA and CFSP*, Perspectives on European Politics and Society, 4:1, Koninklijke Brill NV, Leiden, The Netherlands, 2003, p. 157.

⁴⁵ The mandate then started on 18 October 2004. Here it was also decided that HR Javier Solana should become the first Union Minister for Foreign Affairs if the constitution enters into force.

⁴⁶ For more information see the chapters on ESDP in this thesis.

⁴⁷ John Peterson, Helene Sjørnsen, *Conclusion: the myth of the CFSP?*, in: John Peterson, Helene Sjørnsen (Ed.), *A Common Foreign Policy for Europe? Competing visions of the CFSP*, p. 176. Or differently formulated, the TEU-AV “appeared to represent continuity more than change in that it continued - perhaps accelerated - the process of ‘Brusselisation’. Meanwhile, [however,] it eliminated none of the dilemmas at the heart of the CFSP and the very notion of a ‘European’ foreign policy”. David Allen, *Who speaks for Europe?*, p. 57.

The Treaty of Nice (TEU-NV)

The fact, that the EU needed three treaty revisions in less than a decade shows clearly that there existed some deficiencies. However, this is also attributable to the massive changes the international community underwent in the 1990s and upon entering the new millennium. Again, the EU was forced to react on these changing circumstances and once more it is questionable if all challenges were really met. Of special importance was to prepare the Union on the enlargement in 2004; this has not been done adequately through the TEU-AV.

The Treaty of Nice has again introduced a new instrument: the possibility of establishing 'enhanced cooperation' in the realm of CFSP matters for the implementation of joint action or a common position (see Article 27 a-e)⁴⁸. Enhanced cooperation of this kind, however, "cannot be used for issues which have military implications or which affect defence matters"⁴⁹. The TEU-NV further states that at least eight member states are necessary for establishing 'enhanced cooperation', but this should only be undertaken as a last resort.

QMV was extended in the TEU-NV concerning the appointment of the High Representative for the CFSP (Article 207) and the special representative of the CFSP (see Article 23). Additionally, it allowed QMV in the field of 'enhanced cooperation' (see Article 40.a.(2)). However, for the latter case, member states still have the possibility to request unanimity.

The 'Political Committee' was renamed as 'Political and Security Committee' (PSC) and was given extended rights especially concerning implementing decisions and crisis management operations (see Article 25). The PSC helps the Council to define policies and meet at the ambassadorial level. It was established as a permanent military and

⁴⁸ The whole treaty is available under: http://europa.eu.int/eur-lex/lex/en/treaties/dat/12001C/htm/C_2001080EN.000101.html (21.07.2006)

⁴⁹ Commission of the European Communities, Secretary General, *Memorandum to the Members of the Commission*, Brussels, 18 January 2001, SEC(2001)99, p. 11. Available under: http://ec.europa.eu/comm/nice_treaty/summary_en.pdf (20.07.2006)

political body in Brussels to bring more efficiency for the security aspects of the EU. The TEU-NV also established the European Union Military Committee (EUMC), the European Union Military Staff (EUMS) and the Committee for Civilian Aspects of Crisis Management (CivCom) on a permanent basis⁵⁰ (these institutions actually have been set up by a Council decision in January 2001).

Furthermore, Article 17 transferred all WEU functions –except Article V of the WEU treaty- to the EU. This may be called “an almost revolutionary development if one recalls the massive disputes among the member states over even mentioning security items at all up to the early 1980s, and the gradual integration of the WEU bodies into the EU before 1998”⁵¹.

All in all it may be said that the provisions of the TEU-NV in general again were rather modest than really convincing. However, in the sphere of CFSP and especially ESDP (see the chapter on ESDP) some important innovations have been achieved.

⁵⁰ The EUMC is composed of the Chiefs of Defence of the EU countries and is the highest military body. The EUMS consists of civilian and military experts. (See also the chapter on ESDP).

⁵¹ Wolfgang Wessels, *Theoretical Perspectives*, p. 80.

6. Analysis II: The real power of the CFSP

The question of the strength of the CFSP has differing or at least ambiguous answers. While until the 1990s, as the interim results show, it was quite ridiculous to talk of a common foreign policy, some authors state that the Treaty of Amsterdam produced a leap forward concerning CFSP. Another point of view is that, despite high ambitions, the TEU-MV did not at all produce what had been expected⁵². But how are such varying responses possible and which of them is more reasonable⁵³?

The answer to this lies partially in the different expectations of the individual parties and in their belief of what a CFSP should exactly consist in. Another factor depends on the question if one looks at the short-time results and successes or if he or she analyses the long-term or future direction of the CFSP.

What is obvious, is that the auspicious phrases of the TEU-MV, namely that a ‘common foreign and security policy is hereby established’ (see above) were somehow too optimistic and created the so called ‘expectations-capabilities gap’. These expectations - which after the fall of Communism have been so high (in the sense that it was believed that the EU could really take up a relevant position⁵⁴) - were further curtailed with the poor response of the EU concerning crises in Europe and the wider world (especially

⁵² “The negotiations leading to the Maastricht Treaty, which gave birth to the CFSP, produced a number of compromises that manifest themselves in awkward and unworkable institutions [...]”. John Peterson, *Introduction: The European Union as a global actor*, in: John Peterson, Helene Sjursen (Ed.), *A Common Foreign Policy for Europe? Competing visions of the CFSP*, p. 4. See also: Helene Sjursen, *The Common Foreign and Security Policy: an Emerging New Voice in International Politics?*, ARENA Working Papers, WP 99/34. Available under: http://www.arena.uio.no/publications/wp99_34.htm (17.07.2006).

⁵³ In general, however, it is obvious, that “it goes without saying that there exists no general ‘theory of the CFSP’”. John Peterson, *Introduction: The European Union as a global actor*, p. 14. This is also attributable to the fact, that the “recent history of the European Union’s [...] CFSP and [...] CESDP has a rich seam of paradox and contradictions at its core”. Michael Smith, *The Framing of European foreign and security policy: towards a post-modern policy framework?*, p. 556.

⁵⁴ Taking into account that the traditional role of NATO seemed to have lost its importance after the breakdown of the USSR. However, as it turned out NATO adapted itself much faster to the new international environment than did the EU, respectively the CFSP.

concerning the crisis in Yugoslavia in the 1990s⁵⁵). The main reasons for this were the lack of:

- a) shared interests
- b) a real leadership
- c) sufficient budgetary provisions or resources and
- d) independent research and planning units.

In this sense, the EU –at least in the short term- didn't reach at all the far reaching goals it had set and the high “expectations surrounding the CFSP were if anything lower by the late 1990ies than at the beginning of the decade, reflecting the gap between treaty promises and performance in the field”⁵⁶.

Perhaps the main misperception was the belief to become a ‘superpower’⁵⁷ without adequate military means. It is really questionable if it would not have been better for the EU to remain a purely ‘civilian’ or ‘soft power’. Beside the fact that the EU was and is perfectly equipped for this role and that large parts of the public would support this approach, there would be no question that the EU could meet the expectations one has of a ‘soft power’. However, it is clear that the bright prospects in the beginning of the 1990s were too glittering and that neither the politicians nor the public of Europe wanted the US to act unilaterally and therefore having the sole claim to any profits.

As states above, the introduction of the HR-SG was definitely important insofar it was said that he should be ‘the voice for Europe’. However, with rotating Presidencies, a

⁵⁵ This is such a good example for the arguments brought forward in this chapter, just because the Luxembourgian President of the Council of Ministers, Jacques Poos, proudly pronounced that ‘this is the hour of Europe’. See also: Christopher Hill, *Closing the capabilities-expectation gap?*, in: John Peterson, Helene Sjursen (Ed.), *A Common Foreign Policy for Europe? Competing visions of the CFSP*, p. 20.

⁵⁶ Michael Smith, *The framing of European foreign and security policy: towards a post-modern policy framework?*, p. 562.

⁵⁷ “What defines ‘superpower’ is the capacity to conduct a confident global foreign policy without endangering internal cohesion, and what is more to be able to project power simultaneously on several fronts”. Christopher Hill, *The Evolution of the Common Foreign and Security Policy of the European Union*, p. 21.

Commissioner for External Relations, the Foreign Ministers of the different member states, the Troika and the European Council it is still too unclear who exactly is in charge of representing the EU to the outside world.

With a CFSP remaining purely intergovernmental and the Council being the main actor - in a EU of 15 (respectively 25) different member states with partly contrary historical experiences and commitments- it is clear that any decision can not be more than some sort of 'shady' compromise. Another major cause is attributable to the member states themselves, which "did not always stick to the obligations they accepted under the TEU with regard to supporting and therefore not undermining common positions and joint actions - a source of considerable confusion for non-EU states"⁵⁸. To proclaim or even talk about a common foreign and security policy insofar not only seemed unrealistic, but also just wrong.

So, what are the arguments in favour of the developments of the last 15 years? The main argument is that the treaties as such did happen. That -even though there may be a lot of faults, shortcomings and deficiencies- a CFSP was established that will pave its way in the future of the EU and this in an irreversible manner. Another argument concerns what has been called the ongoing 'Europeanisation'⁵⁹ or 'Brusselsiation' of the CFSP. With the newly established political and military bodies inside the framework of the second pillar (HR-SG, Policy Unit, special envoys, PSC, EUMC, EUMS, CivCom) the foundations have been laid down for a broad range of military and political personnel that focuses exclusively on matters concerning foreign policy, security and defence, and this in a genuine European perspective. Behind closed doors and generally not recognised by the general public, information and opinions are exchanged, consultations are prepared and (at least it is tried) to reach an agreement. This is of importance on the political, but

⁵⁸ David Allen, *Who speaks for Europe?*, p. 56.

⁵⁹ 'Europeanisation' is sometimes described as "an ongoing and mutually constitutive process of change, linking national and European levels [and] capturing the growing 'interwovenness' of national and European levels". This happens through "uploading' [...] national preferences to the EU level, 'downloading' [...] EU generated incentives (policies) and 'crossloading' [...] ideas, norms and ,ways of doing' things." Available under: http://www.fornet.info/documents/MAJOR-POMORSKA_PRESENTATION.ppt#2 (28.07.2006). 'Brusselisation' means that decisions are more and more taken in Brussels instead of the capitals of the member states.

especially on the administrative level of governance insofar the most workload is actually prepared by working groups, where the personnel know each other and where “the working atmosphere is informal and efficient”⁶⁰. As such it can definitely be said that the CFSP is influencing the foreign policies of member states⁶¹.

However, it is highly doubtful if this alone can be enough to award a real power to the CFSP. In any case, one must understand that this is a very sensitive area “in which breakthroughs are often less than they seem, and in which the slow evolution of policy is more important than treaty provisions, declarations or individual agency [...]”⁶².

Chapter 9, which deals with practical issues and implications, will add more insight in the questions raised in this analysis. Before however, it is important to discuss another subject.

⁶⁰ Simon Duke, Sophie Vanhoonacker, *Administrative Governance in the CFSP: Development and Practice*, *European Foreign Affairs Review*, 11, 2006, p. 171. On the same page it is stated that this “can often lead to national officials in the Representations defending a European position [...]”.

⁶¹ Or differently formulated, “the Brussels-based players in the foreign policy field have assumed an increasingly important pivotal role at the point where national interests are shaped within the European context, whilst national policies are gradually Europeanized”. *Ibid.*, p. 179f.

⁶² Michael Smith, *The framing of European foreign and security policy: towards a post-modern policy framework?*, p. 563.

7. Theoretical part IV: The European Security and Defence Policy (ESDP)

As stated above, the EU missed the opportunity to become the main security agent of Europe in the immediate aftermath of the cold war.

However, it has to be noted that with its own approach to ‘soft power’, especially regarding its enlargement policy, the EU has done a lot in stabilizing and reconciling the different European states and its neighbouring countries. This, as such, is part of the fundamental change in the international environment. While the traditional aspect of territorial defence diminished significantly with the end of the cold war, new security problems emerged. These mainly involve the proliferation of weapons of mass destruction (WMD), ethno-national conflicts, transnational crime, failed states and migration, but also issues relating to environment, economy and human rights.

Security and defence are areas of last resort for nation states and it is for this reason that the transfer of power regarding military aspects to a supranational authority is perceived as undermining the sovereignty of the nation state. From a federalist point of view, however, this is necessary in order to finally reach the goal of a political Union.

The following chapter aims at exploring those steps that have been taken to foster a genuine European Security and Defence Policy (ESDP) in the last 20 years. Following the structure of this thesis, the first part looks at the most important historical developments while the second tries to analyse these events in the light of the ‘real’ power the ESDP currently possesses.

The institutionalisation of the European Security and Defence Policy (ESDP)

Insofar some aspects of security and defence have already been described in the chapters concerning CFSP, some developments will be mentioned just shortly. This is due to the logical fact that CFSP and ESDP are somehow two sides of the same coin. However, as

we will see, most achievements of the ESDP were made at different European Council summits and happened outside the framework of the different treaties.

While the SEA only included the ‘political and economic’ aspects of security (see SEA, Title III, Article 30) the TEU-MV already covered all areas of security (see Title V, Article J.1.) but remained very careful concerning a common defence (see above). The WEU, however, was integrated and from now on is said to be the ‘defence arm’ of the EU. Just a few months after the ratification of the TEU-MV, the foreign and defence ministers of the WEU countries met in Petersberg, Germany, to define the objectives and functions of the WEU. These negotiations led to the so called ‘Petersberg Declaration’, which was signed on 19 June 1992 and determined that military units may also be used for humanitarian and rescue tasks, peacekeeping and crisis management. These ‘Petersberg tasks’ were later incorporated into the legal framework of the TEU-AV (Title V, Article 17.2) and instead of ‘requesting’, the EU was now able to “avail itself of the WEU” (Article 17.3.)⁶³.

Regarding the transatlantic relations, the NATO summit on 7 and 8 November 1991 in Rome has to be mentioned. While defining NATO’s ‘new’ strategic concept, the foundations were laid down for a European pillar inside this security organisation. This European Security and Defence Identity (ESDI) was approved at the Brussels North Atlantic Council on 10 and 11 January 1994 and further developed at the NATO summit in Berlin on 3 June 1996. The introduction of Combined Joint Task Forces (CJTF) in Brussels received an important input at the Berlin summit, when it was agreed that the WEU could use the CJTF (‘separable but not separate’) for military operations in which NATO itself would not take part. However, according “to the Berlin agreement, the WEU will need the approval of the Atlantic Council before using the CJTF. Consequently, WEU action depends on the United States itself not wishing to take part and also on the

⁶³ Article 17.1. however says that this “shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO) [...]”. That meant that NATO remained responsible for common territorial defence issues (Article V) and the EU would deal mainly with peacekeeping matters (Petersberg tasks).

US not objecting to the operation that the European wish to undertake”⁶⁴. That meant that NATO kept the overall control but could share now some of its burden with the WEU. This dependence on NATO, respectively the US⁶⁵ was perceived very differently among the European states. Especially the UK and France had absolutely contrary positions, with the first one backing NATO outright (also because a duplication of military means was thought to be useless), while the second always preferred a more ‘European’ way to deal with security issues.

External environmental changes and especially crises, however, led to a change in the UK that was unthinkable just a few years before⁶⁶. While during the negotiations for the Treaty of Amsterdam the UK still mainly blocked a genuine European defence initiative⁶⁷, the turning point of the UK was for the first time pronounced at the Informal European Summit in Pörschach, Austria, on 24 and 25 October 1998. At a press conference just after the meeting, Prime Minister Tony Blair said: “A common and foreign security policy for the European Union is necessary, it is overdue, it is needed and it is high time we got on with trying to engage with formulating it [...]”⁶⁸. This was the informal beginning of the ESDP.

The first official document that confirmed this new approach was the joint declaration submitted by Prime Minister Tony Blair and President Jacques Chirac at the British-French Summit from 3 and 4 December 1998 in St. Malo. The symbolic meaning of this declaration had far reaching consequences. Beside the fact that Britain accepted the urgency to establish an autonomous European security capacity, it showed the

⁶⁴ Helene Sjursen, *Missed opportunity or eternal fantasy? The idea of a European security and defence policy*, in: John Peterson, Helene Sjursen, *A Common Foreign Policy for Europe?*, p. 103f. Due to protests from Turkey, the actual implementation was finally postponed.

⁶⁵ The US always supported the ESDI, insofar it meant a more active European stance inside the NATO but was always suspicious concerning talks of a more genuine ‘European’ Security and Defence Policy.

⁶⁶ Another major reason for the UK, being outside the EMU, was that Tony Blair realised that security and defence issues were actually the last possibility for the UK to take up a leading role in European affairs.

⁶⁷ See especially: Kathrin Blanck, *Die Europäische Sicherheits- und Verteidigungspolitik im Rahmen der europäischen Sicherheitsarchitektur*, p. 110f. and also Charles Grant, *Can Britain lead in Europe?*, Centre of European Reform, Pamphlet, London, October 1998. Available under: http://www.cer.org.uk/pdf/p092_britain_europe.pdf (26.07.2006)

⁶⁸ Maartje Rutten, *From St-Malo to Nice, European defence: core documents*, Institute for Security Studies, Chaillot Paper 47, Paris, May 2001, p. 2. Available under: <http://www.iss-eu.org/chaillot/chai47e.pdf> (26.07.2006).

willingness of France to do so in cooperation with NATO structures⁶⁹. Both countries declared in point 2 of the declaration, that “the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises”⁷⁰.

At the North Atlantic Council Summit on 24 April 1999, which celebrated the 50th anniversary of NATO, the Strategic Concept was updated and the acceptance of the European Security and Defence Identity within NATO (and insofar acknowledging that the EU should be responsible instead of the WEU) was further improved. This was also called the ‘Berlin-plus’ agreement, because it further asserted “access by the European Union to the collective assets and capabilities of the Alliance, for operations in which the Alliance as a whole is not engaged militarily as an Alliance”⁷¹. Missions could now be carried out by:

- 1) only NATO
- 2) the EU using NATO assets and capabilities or
- 3) only the EU.

However, NATO was granted the ‘right of first refusal’, which meant that it had “the right to decline involvement in a mission before the EU can decide to get involved”⁷².

The Cologne European Council on 3 and 4 June 1999 formulated the improvements of the British-French Summit in St. Malo in a wider European context. It therefore stated, that “the Council should have the ability to take decisions on the full range of conflict prevention and crisis management tasks defined in the Treaty on European Union, the ‘Petersberg tasks’”⁷³. The guiding principles therefore were said to include the “capacity

⁶⁹ Even though not fully joining the integrated structures of NATO, France also rejoined the NATO Military Committee in December 1995.

⁷⁰ Maartje Rutten, *From St-Malo to Nice*, p. 8.

⁷¹ See point 10 of the Final Communiqué of the North Atlantic Council Meeting, *Ibid*, p. 22.

⁷² Lisa Watanabe, *The ESDP: Between Estrangement and a New Partnership in Transatlantic Security Relations*, *Journal of Contemporary European Studies*, Vol.13, No.1, April 2005, p. 13.

⁷³ *Declaration of the European Council on Strengthening the Common European Policy on Security and Defence*, in: Maartje Rutten, *From St-Malo to Nice*, p. 41f.

for autonomous action backed up by credible military capabilities and appropriate decision making bodies”⁷⁴ while keeping the Atlantic Alliance as the fundamental source for collective defence.

The European Council Summit in Helsinki on 10 and 11 December 1999 followed the provisions set up at the Cologne meeting and established the so called ‘Headline Goals’. These included, that “Member States must be able, by 2003, to deploy within 60 days and sustain for at least 1 year military forces of up to 50,000-60,000 persons capable of the full range of Petersberg tasks”⁷⁵. Beside it established more coordinated and effective non-military civilian crisis management tasks and invited non-EU European NATO members to participate at EU-led military crisis management operations. After the proposal at Cologne to create new permanent political and military bodies within the Council, in Helsinki the establishment of the Political and Security Committee (PSC), the Military Committee (MC) and the Military Staff (MS) were also decided⁷⁶.

The European Council Meeting at Santa Maria de Feira on 19 and 20 June 2000 focuses mainly on the civilian aspects of crisis management. Therefore, adequate means should be supplied to:

- “- acting to prevent the eruption or escalation of conflicts;
- consolidating peace and internal stability in periods of transition;
- ensuring complementarity between the military and civilian aspects of crisis management covering the full range of Petersberg tasks”⁷⁷.

Within the action plan, four priority areas were identified, which included the police, strengthening the rule of law, strengthening civilian administration and civil protection. To reach this goal the member states should “as a final objective [by 2003], be able to

⁷⁴ *Presidency Report on Strengthening of the Common European Policy on Security and Defence*. Ibid, p. 42-45.

⁷⁵ The so called ‘Rapid Reaction Force’. Ibid, p. 82 (Point 28).

⁷⁶ They then were set up at the General Affairs Council in Brussels on 14 and 15 February 2000, respectively the TEU-NV.

⁷⁷ Ibid, p. 133.

provide up to 5 000 police officers to international missions across the range of crisis prevention and crisis management operations [...]”⁷⁸, of which up to 1 000 police officers should be identifiable and deployable within 30 days. Additionally, 200 prosecutors, judges and other experts should be available within 3 to 7 hours. Furthermore, the Council meeting at Santa Maria de Feira established the creation of ad-hoc working groups, which should prepare security agreements between the EU and NATO, the definition of capability goals, the “preparation of an agreement on the modalities for EU access to NATO assets and capabilities as agreed at Washington (draft framework agreement on Berlin Plus implementation)”⁷⁹ and the definition of permanent arrangements between the EU and NATO.

The European Council in Nice on 7, 8 and 9 December 2000, which finally led to the Treaty of Nice approved and confirmed all decisions regarding common foreign and security policies of the former Council meetings and set as an objective that the European Union should be made operational as quickly as possible (latest at its next meeting in Laeken). Like mentioned already above, the Nice Treaty also established that all Committees (PSC, EUMC, EUMS and the Committee for Civilian Aspects of Crisis Management) should from now on work on a permanent basis and transferred the Satellite Centre and the Institute of Security Studies from the WEU to the EU.

At the European Council Meeting in Marseilles on 13 November 2000 the WEU effectively came to an end by including all of its functions into the EU. Only the collective defence clause of Article V was maintained, including a small secretariat in Brussels.

The European Council at Gothenburg on 15 and 16 June 2001 came forward with the ‘EU Programme for the Prevention of Violent Conflicts’ and focused insofar on the ability of the Union in the areas of early warning, proper reactions and analyses. Preventive measures should especially be established through the exchange of

⁷⁸ Ibid, p. 136.

⁷⁹ Ibid, p. 132.

information and stronger cooperation and coherence between the member states, Pillar I and II of the EU (especially regarding the Commission and its external relations directorate (DG RELEX)) and the OSCE, the UN and other organisations.

The Laeken European Council on 14 and 15 December 2001 finally declared the operational readiness of the ESDP. It was, however, also stated that for complex operations considerable developments were still necessary. For this aim, the 'European Capabilities Action Plan' and the 'Police Action Plan' were introduced.

The European Council at Seville on 21 and 22 June 2002 confirmed the determination of the EU to act and insofar declared that it would take over the UN police mission in Bosnia Herzegovina, beginning at 1 January 2003. Furthermore, its first military action was decided in the Former Yugoslavian Republic of Macedonia (FYROM). Following a NATO operation, it started at 31 March 2003 and should help to implement the Ohrid Peace Agreement⁸⁰. Regarding the international situation, it was also mentioned that the fight against terrorism was at the core of the CFSP and the ESDP.

The European Council at Copenhagen on 12 and 13 December 2002 led to a satisfactory solution concerning the Berlin-plus agreement. After the last barriers were removed following the Turkish elections in 2002, the EU from now on was able to use NATO assets for ESDP operations⁸¹ and the EU on its side guaranteed the participation of non-European NATO countries. In the aftermath, "the EU was able to launch its first 'Petersberg' operation on the ground"⁸² in the FYROM. Furthermore, "the EU took over the International Police Task Force (IPTF) in Bosnia-Herzegovina set up by the United Nations in December 1995"⁸³.

At the European Council meeting in Thessaloniki on 19 and 20 June 2003, a report on EU external action in the fight against international terrorism and a declaration on non

⁸⁰ An overview of all EU operations undertaken so far is given in the Appendix.

⁸¹ Even though the decision would be taken on a case-by-case basis.

⁸² Roberto Francia, Miguel Angel Medina Abellan, *Striving for a Common Foreign Policy*, p. 153.

⁸³ *Ibid.* p. 154

proliferation of weapons of mass destructions were put forward. Also, the proposal from the HR-SG to submit an overall strategic concept (see below) was welcomed.

The European Security Strategy (ESS)⁸⁴ was adopted on 12 December 2003 at a European Council meeting in Brussels. It is a document which has more than just a symbolic meaning, insofar it addresses the common threats (terrorism, the proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime) and the ways how to tackle them. It focuses on conflict prevention, multilateralism and the link with NATO in order to become more active, more capable and more coherent. “Strategically [... it] has made an important first attempt at forging an underlying strategic concept, designed to draw the EU member states into a process of consensus finding, by setting out the common challenges and threats, strategic objectives and the policy implications that result for the EU as an effective actor on the world stage”⁸⁵.

At the end of 2003 the EU foreign ministers reached a consensus in Naples by creating a “small independent military planning cell in the EUMS for EU missions independent of NATO *and* a EU planning cell in SHAPE [the Supreme Headquarters Allied Powers Europe] to be employed for missions undertaken with NATO or with recourse to NATO assets”⁸⁶. This agreement was made after the initiative to establish an EU operational headquarter in Turveren, Belgium, was rejected⁸⁷. The functions of the cell include advanced planning, strategy and tactics and should be operational at the end of 2004 under the supervision of the Council Secretariat and the HR-SG. The decision to implement the cell was finally taken in Brussels.

⁸⁴ The whole text of the ESS is available under:

<http://ue.eu.int/uedocs/cmsUpload/78367.pdf#search=%22European%20Security%20Strategy%22> (07.07.2006).

⁸⁵ Vanda Knowles, Silke Thomson-Pottebohm, *The UK, Germany and ESDP: Developments at the Convention and the IGC*, German Politics, Vol. 13, No. 4, December 2004, p. 585.

⁸⁶ Lisa Watanabe, *The ESDP*, p. 15.

⁸⁷ The proposal came from France and Germany, but was fiercely objected from the US for a long time. Insofar as also other European nations objected the draft proposal, the compromise was the most that could be reached.

The battle group concept was presented first by the UK, France and Germany on 9 February 2004 and later approved by EU defence ministers at the ‘Military Capabilities Commitment Conference’ on 22 November 2004 as being a European project. They consist of around 1500 troops, including support, which should be deployable within 15 days. The Conference further stated that 13 of these battle groups should be operational in 2007 and be available for all tasks described in Article 17.2. of the TEU and those listed in the ESS⁸⁸.

On 17 and 18 June 2004 the European Council endorsed the 2010 Headline Goal, which “builds on the Helsinki Headline Goal and, taking recent technological and strategic developments into account, seeks to address key capability gaps and thereby to contribute to the implementation of the European Security Strategy”⁸⁹. Especially it seeks to establish and complete, among other improvements -as soon as possible- the ‘European Capabilities Action Plan’ (ECAP), the ‘Force Catalogue 2004’, the ‘European Defence Agency’ (EDA) and the ‘EU Capabilities Development Mechanism’ (CDM)⁹⁰.

Just shortly afterward, a joint action on 12 July 2004 (2004/551/CFSP) established the ‘European Defence Agency’ (EDA), which, under the authority of the Council should help:

“- Encouraging EU governments to spend defence budgets on meeting tomorrow’s challenges, not yesterday’s threats;
- Helping them to identify common needs and promoting collaboration to provide common solutions”⁹¹.

⁸⁸ For further information look at: <http://www.euractiv.com/en/security/eu-battlegroups/article-150151> (03.08.2006) and also Gerrard Quille, “*Battle Groups’ to strengthen EU military crisis management?*”, *European Security Review*, Nr. 22, April 2004, p.1f. Download possible under: <http://www.isis-europe.org/ftp/Download/ESR%2022.pdf> (03.08.2006)

⁸⁹ Franco Algeri, Thomas Bauer, Klaus Brummer, *Further Development of CFSP and ESDP without a Constitution*, Bertelsmann Stiftung, Gütersloh, October 2005, p. 13. Available under: http://www.bertelsmann-stiftung.de/bst/de/media/Options_for_the_further.pdf (01.08.2006).

⁹⁰ The whole text of the Headline Goals 2010 can be found under: <http://ue.eu.int/uedocs/cmsUpload/2010%20Headline%20Goal.pdf> (03.08.2006)

⁹¹ For more information, look at the website of the EDA. <http://www.eda.europa.eu> (03.08.2006)

The focus of the EDA refers to capabilities and not to the planning of operations. It should strengthen European technological cooperation and research and was therefore equipped with a budget of 25 million Euros⁹² for 2005. The head of the EDA is HR-SG Javier Solana.

The foreign minister met in Brussels on 21 November 2005⁹³ in the context of the 'Civilian Capabilities Improvement Conference'. In line with the 'Civilian Capability Commitment Conference' of November 2004, the ESS and the 'Civilian Headline Goals 2008', a list of highest-priority capability shortfalls, especially regarding personnel and equipment, and a 'Civilian Response Team' (CRT), which should consist of 100 experts at the end of 2006 were developed.

The Presidency Report of 12 June 2006⁹⁴ describes the last efforts and developments in the area of ESDP. This includes the ongoing civilian and military missions, the Civilian Headline Goal 2008 and the CRT. To reach the Headline Goal 2010, the 'Roadmap to the Progress Catalogue', the 'Requirements Catalogue 2005', the 'Compilation of Member States Contributions' and the 'Operational Analysis (OA) Tool and Information Gathering (IG) System' have been further enhanced. Other improvements concern Strategic Airlift Capabilities, the RRF and the ECAP, which should be fully integrated into the EDA at the end of 2006. Additionally, the 'Code of Conduct Regime on Defence Procurement' was said to start at 1 July 2006 and insofar opened the European Defence Equipment Market for suppliers all over Europe. Developments were also made in EU Training aspects.

⁹² See: Vanda Knowles, Silke Thomson-Pottebohm, *The UK, Germany and ESDP*, p. 597.

⁹³ The Ministerial Declaration is available under:

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/esdp/88842.pdf (03.08.2006)

⁹⁴ Available under: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/esdp/90229.pdf (03.08.2006)

8. Analysis III: The strength of the ESDP

The creation of the ESDP witnessed a rapid development and can definitely be seen as a contribution for the European ‘voice’ in the outside world. What started -as seen above- with an informal meeting in St. Malo between Tony Blair and Jacques Chirac was already formalised at the next summit in Cologne only a half year later. The following developments “have surprised by their speed, especially in light of a lack of such progress in the past. [...] The] progress on a European Union security and defence policy has been achieved at a faster rate than at any time during the previous 50 years in the history of European integration”⁹⁵.

This also receives a special, and contextual importance, because the development of the CFSP or “the possible creation of a European army, capture the *leitmotiv* of contemporary European political integration. [...] Defence therefore takes on a salience not just in its own field, but in the entire European integration process”⁹⁶.

Besides, the significance of this topic increased dramatically since the terrorist attacks on 11 September 2001 in America and the following attacks on London, Madrid and Istanbul. Most authors are aware, that these incidents have enhanced the need for the ESDP, but it is still questionable if the EU really meets the requirements for effectively facing these threats. Definitely, the creation of the ESS -with the identification of the common threats and the strong focus on multilateralism- has helped. However, as Trevor Salmon has stated, phrases like ‘Security is a precondition of development’, ‘Competition for natural resources [...] is likely to create further turbulences’ or ‘Energy dependence is a special concern’ are still too vague and just “scratch the surface”⁹⁷. Also the ways how to tackle the common threats should be defined more clearly.

⁹⁵ Stelios Stavridis, *European Security and Defence after Nice*, Jean Monnet Working Papers in Comparative and International Politics, Nr. 31, March 2001. Available under: <http://www.fscpo.unict.it/EuroMed/jmwp31.htm> (04.08.2006).

⁹⁶ Neil Winn, *Towards a Common European Security and Defence Policy? The Debate on NATO, the European Army and Transatlantic Security*, Geopolitics, Vol. 8, Nr. 2, 2003, p. 47.

⁹⁷ Trevor Salmon, *The European Security and Defence Policy: Built on Rocks or Sand?*, European Foreign Affairs Review, 10, 2005, p. 378. Available under: <http://www.nstu.ru/tempus/files/Peters/Peters-text-Salmen-ESDP.pdf> (05.08.2006).

However, the ESDP -because it is emerging exactly now, in the wake of the new dangers- would have the advantage that it doesn't have to transform itself, but can start by facing them. Clearly the most important factor for success depends on the political will of the European states.

Insofar it seems necessary to shortly discuss the positions of the different governments, with special regard to the most influential ones, namely the UK, France and Germany.

While the UK continuously emphasised the importance of the Atlantic relationship, it has -as stated above- changed its course since the meeting in St. Malo. However, even though it has now showed its willingness to support the ESDP, the British premier Tony Blair has more than once reassured that this does not jeopardise the supremacy of NATO⁹⁸. France, on the other hand, is probably the most active in its efforts to increase the European military capabilities in order to attain a balance of power with NATO. In common is the British and French view in the way that security issues have to be kept purely intergovernmental. While Germany has focused nearly exclusively on non-military solutions following World War II, this is slowly beginning to change. Anyway, "Germany, the sleeping political and military giant of the EU, continues to sit on the fence whilst attempting to please both France and the US"⁹⁹. The u-turn of Germany foreign policy occurred just recently, with the crisis over Iraq (see next chapter). In general it may be said that even though differences between the three countries still exist, the positions have converged through the strong and common conviction that Europe needs stronger military capabilities. On the other hand, the combination between:

- a) keeping the link with NATO (UK)
- b) pursuing independent actions (France) and
- c) a mediator between the first two positions (Germany)

⁹⁸ The change in the UK, however, is also attributable to the fact that the US is not as reliable any more, in the sense that it acts more and more in a unilateral way (and insofar outside NATO). On the other hand, the UK is aware, that the new security threats (mainly terror) on European sole can not be tackled anymore by the US or NATO and that the EU insofar needs its own military arrangements.

⁹⁹ Neil Winn, *Towards a Common European Security and Defence Policy?*, p. 49.

might even be useful.

In a way, a strong leadership inside the ESDP is necessary and a directorate of the big three seems desirable. However, the positions of the smaller European states definitely need to be taken into account. This could also be seen, when France, Germany and the UK met trilaterally in London to discuss CFSP and ESDP matters in November 2001 and insofar neglected and offended the leaders of the other nations. The logical dangers to undermine the 'common' ESDP by doing so always have to be considered. In this regard the EU seems to be caught in a paradox. The successful history of the EU was built on the equity of its member states and on the possibility of reaching a consensus. A consensus with 'neutral' states, however, inevitably waters down military decisions in a way to become a farce. The very nature of the military requires hierarchy, leadership and tough decisions. The answer how to solve this problem has yet to be found.

Also the relationship with NATO and the US has to be taken into account. The ESDP, that initially started with the ESDI "as a NATO, American-inspired project is now a distinctly European project, albeit to some extent dependent on access to NATO capabilities and infrastructure for more 'robust' missions"¹⁰⁰. The EU and NATO must find a way which fits the interests of both of them. That means especially no duplication of efforts, and what is even more important, cooperation and no competition. While the EU must be -and also is, as seen in the theoretical part above- able to carry out military actions on its own for the sake of its position in the world, it should not forget how much NATO has done concerning security matters in Europe in the last 57 years. This cooperation is also necessary because the two (the EU and NATO) need each other in order to combat the contemporary security issues -concerning logistical, financial and military development issues- in a satisfactory way. "A EU-rope that hopes to become a unitary superpower will be like the mermaid who wanted to be a girl, in Hans Christian

¹⁰⁰ Lisa Watanabe, *The ESDP*, p. 8.

Andersen's fairy tale: her feet hurt all the time because they should really be tailfins. But she doesn't need to be so unhappy. She just has to know who she is"¹⁰¹.

To enhance its recognition and power, the EU still has to become much more active and farsighted. Instead of reacting on a crises or waiting for the call of the UN, the early warning system and conflict prevention should be further improved. As Rory Keane mentioned, "At the beginning of 2003, EU and ESDP specialists had no idea that by the end of the year they would have a policing mission in Macedonia and also that they would have completed a military mission in the Congo"¹⁰². Furthermore, the ESDP needs more capabilities, more strategic transport and more qualified personnel.

Especially the financial aspects have to be clarified, because there is still "no 'norm' of European defence spending"¹⁰³. Sometimes it seems as if the ESDP "has been constructed on the premise of what is possible rather than what is needed [...] Europeans seem only to recognise as much threat as they can afford"¹⁰⁴. Again, the EU is in a dilemma, considering that the public (and insofar naturally also their democratic governments, who want to be re-elected) can not see the immediate need for increasing the defence budget. In situations when the international economy requires limiting the welfare system, it doesn't always look appropriate to demand new equipment for missions in Afghanistan, Africa or Iraq (especially because big parts of the public consider such crisis as indigenous or American-made). The different ideologies and cultures (neutral/military responsibility, nuclear/non-nuclear, ..) play certainly also a role here, but it is definitely not reasonable that some countries contribute a much higher share to the defence budget¹⁰⁵ in the longer term (or at least not if they then don't have a bigger say).

¹⁰¹ Neil Winn, *Towards a Common European Security and Defence Policy?*, p. 47f. (Original at: Timothy Garton Ash, *The European Orchestra*, New York Review of Books, 17 May 2001, p. 66.)

¹⁰² Rory Keane, *European Security and Defence Policy: From Cologne to Sarajevo*, Global Society, Vol. 19, Nr. 1, January 2005, p. 97.

¹⁰³ Trevor Salmon, *The European Security and Defence Policy: Built on Rocks or Sand?*, p. 373.

¹⁰⁴ Julian Lindley-French, *St Malo II. Rescuing European defence?*, New Economy, December 2002, p. 217.

¹⁰⁵ At the moment, France and the UK spend the most. However, the budget of the EU regarding security and defence is still far smaller than the one of the US. For more information on the financing of the ESDP see: David Scannell, *Financing ESDP Military Operations*, European Foreign Affairs Review, 9, 2004.

The 'real' power of the common European defence and security policy is still limited (also taking into account that "[n]ot a single mission conducted under the European flag has involved the participation of all member states [...]"¹⁰⁶), but considering the problems and dilemmas it faces and the fact that the ESDP has a formal lifespan of just 7 years, the achievements are nevertheless impressive. This 'explosive' development can also be seen in the fact, that the deficiencies described in the literature often have been remedied at following European Council meetings¹⁰⁷.

What is needed in the future is more coherence, more effectiveness and more teamwork in policymaking, which is all mainly dependent on the political will. "Indeed, without an injection of political backbone European defence is likely to remain less than the sum of its parts"¹⁰⁸. "If they really want an effective ESDP, as they claim they do, then the talking is going to have to stop and the spending and re-organisation begin"¹⁰⁹.

To conclude, concerning the newly established networks of political and military personnel the same can be said as for the CFSP, insofar the permanent meetings of national officials in Brussels will further strengthen the 'coordination reflex' and create a more and more European identity in the long term.

Antonio Missiroli however stated that "the Union has had to struggle hard, scratch about among the leftovers in different EC budget chapters, and devise various bureaucratic stratagems to put together a pitiful 14 million Euros to finance the launch of its first ever ESDP operation, i.e. EU the Police Mission in Bosnia-Herzegovina (EUPM) that took over from the UN in January 2003". Antonio Missiroli, *The two sides of the CFSP/ESDP coin – and how to use coins for the CFSP/ESDP*, in: Hanspeter Neuhold, Ernst Sucharipa (Ed.), *The CFSP/ESDP after Enlargement. A Bigger EU = A Stronger EU?*

¹⁰⁶ Franco Algieri, Thomas Bauer, Klaus Brummer, *Further Development of CFSP and ESDP without a Constitution*, p. 12.

¹⁰⁷ For example, the ESS, the EDA, ECAP, CDM or the military planning cell.

¹⁰⁸ Julian Lindley-French, *St Malo II*, p. 220.

¹⁰⁹ *Ibid*, p. 219.

9. Analysis IV: Practical implications. Terror attacks, the war on the terror and the crisis for the CFSP and ESDP.

The terror attacks on 11 September 2001 shaped the future of the international community, especially concerning security matters. The images of the burning and finally collapsing World Trade Centre (WTC) shocked the (western) world.

Prior to this incident, the European countries had a considerably united view regarding the newly elected Republican government led by George W. Bush. Concerns were raised against the unilateral approach of the Americans which manifested itself through the intention to establish the so called 'Ballistic Missile Defence' programme -which had severe implications for the Anti-Ballistic Missile (ABM) treaty-, the refusal to ratify the Kyoto Protocol and the reluctance to support the International Criminal Court (ICC).

After the attacks on the Pentagon and the WTC, the unity among the Europeans remained, but now in full support and solidarity with the US. Romano Prodi, President of the Commission at this time, declared: "In the darkest hour of European history, the Americans stood by us. We stand by them now"¹¹⁰. A plan of action of all European nations referred to the terrorist attacks as "an assault on our open, democratic, tolerant and multicultural societies. [... The EU] will cooperate with the United States in bringing to justice and punishing the perpetrators, sponsors and accomplices of such barbaric acts. [... A] riposte by the US is legitimate [...]"¹¹¹ and *Le Monde* announced the often quoted phrase: "Nous sommes tous Américains"¹¹².

These were not only empty comments, but were followed by effective actions. A list of persons and organisations, declared as being terrorists by the US, was handed over to EU countries. The Europeans fulfilled the demands of the Americans by recognising this list

¹¹⁰ Available under:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/01/1265&format=HTML&aged=0&language=EN&guiLanguage=en> (14.07.2006).

¹¹¹ *Conclusions and plan of action of the extraordinary European Council meeting on 21 September 2001*, available under: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/140.en.pdf (15.07.2006).

¹¹² Jean-Marie Colombani, *Le Monde*, 13 September 2001.

of suspects and freezing their assets (88 million dollars in the UK, 2.2 million dollars in France and 1.2 million dollars in Germany¹¹³). They also shared information and coordinated their efforts to be in a better situation regarding the fight against international terrorism.

Also inside Europe much has been done in the immediate aftermath of the terrorist attacks. The need to cooperate in judicial, police and intelligence areas was perceived as so urgent in the light of the fatal events that border controls were strengthened and asylum laws immediately tightened. At the Laeken summit on 14 and 15 December 2001 a new definition of 'terrorism' was approved and the ministers of justice and home affairs (JHA) established the European wide arrest warrant.

This common, almost single approach, however, soon changed dramatically due to various reasons. The most important was connected with the aspirations of the different European governments to become the 'best ally' of the US. It is interesting that the French President Jacques Chirac -besides offering intelligence sharing and military support- was first in visiting George W. Bush on 18 September 2001¹¹⁴. Soon afterwards Tony Blair was pursuing the desire of the UK to maintain and strengthen the 'special relationship' with the transatlantic counterpart. For Germany, this was the opportunity to take up real responsibility in international affairs and marked a historic change in its foreign policy. These incidents were also created or at least boosted by the Americans themselves, who didn't want to invade Afghanistan by using NATO, in order to keep full control and supremacy over the mission. Therefore they decided to choose whomever they wanted to be part of the 'coalition of the willing'. The EU member states finally confirmed at the Ghent Summit meeting on 19 October 2001 that the offensive in Afghanistan is legitimate, but as a result only individual states contributed to the war and not the EU as such, including many smaller states which opposed to these actions.

¹¹³ See: Deniz Altınbaş Akgül, *The European Union Response to September 11: Relations with the US and the Failure to Maintain a CFSP*, *The Review of International Affairs*, Vol. 1, No. 4, Summer 2002, p. 3.

¹¹⁴ "The French contribution [in Afghanistan], often overlooked, was significant. France's carrier battlegroup [...] supported combat operations [...]; air resources were deployed [...] with Mirage fighters and tanker aircraft [...]; an infantry company was deployed [...]; special forces were used in a variety of operations. In addition, Paris provided a range of logistical and intelligence support". Anand Menon, *From crisis to catharsis: ESDP after Iraq*, *International Affairs* 80, 4, 2004, p. 633f.

The moment when the first signs of a real split inside the EU could be seen and when insofar the 'C' of the CFSP began to be crossed out, occurred when Chirac, Blair and Schröder met trilaterally in the run-up to the Ghent summit to discuss and arrive at a common position concerning the operation in Afghanistan and in general the 'fight against terror'. This generated a strong feeling of mistrust among the smaller states and was also harshly criticised from the Commission because of the domination of the 'directoire' of the three bigger states.

However, "it was probably the dinner at Downing Street on November 4 [2001], which caused most anger in the EU"¹¹⁵. What should have been an informal meeting between Blair, Chirac, Jospin and Schröder "lent an element of farce to the efforts to forge a more forceful CFSP"¹¹⁶. Being afraid to be excluded from the table of decision makers, Silvio Berlusconi called Blair, who was now forced to invite him as well. Considering this new situation, Blair realised that it was not possible anymore to exclude Jose Maria Aznar from Spain and the HR-SG Javier Solana. Guy Verhofstadt of Belgium (holding the EU Presidency at that moment) and Wim Kok from the Netherlands finally just invited themselves. Insofar, the outcomes of this meeting were rather limited but the split and the anger from the other EU member states were deepened significantly because of what they perceived as indecent behaviour.

When the US -after the operation in Afghanistan was considered completed- shifted its focus on Iraq, the division between the different EU states continued inexorable, leading to the many comments that the CFSP had died forever. However, it is also possible to adopt the view of Brian Crowe, who stated that the "EU's failure to develop a common policy over Iraq, let alone influence events, has been latent for many years; it has been humiliatingly exposed only now because, until events forced the issue, it was deliberately never brought forward within the EU, either at ambassadorial [...] or at ministerial [...]"

¹¹⁵ Deniz Altınbaş Akgül, *The European Union Response to September 11*, p. 17.

¹¹⁶ Peter van Ham, *The EU's War over Iraq. The Last Wake-Up Call*, in: Dieter Mahnke, Alicia Ambos, Christopher Reynolds (Ed.), *European Foreign Policy. From Rhetoric to Reality*. p. 215.

level”¹¹⁷. The main reason for the break was because the seriousness of the situation led to the necessity of taking difficult and tough decisions and the EU as a whole was still not prepared to do this on behalf of all its member states. The questions raised concerned the legitimacy of the war, the nature of the transatlantic relationship and the best way to stabilise the region following the military operation. In this situation, the still existing differences among the EU member states came out of the dark and reappeared at the surface. It is even valid to state that it “would have been absolutely remarkable if the EU had been able to formulate and actively to pursue a united policy [...]. Iraq, [...] at this stage of the CFSP’s development was simply too tough a test”¹¹⁸.

In the course of 2002 the split inside the EU shifted away from the before mentioned ‘big three’ versus the ‘smaller states’ to a division into three camps. The first one opposed the military operation in Iraq. Beside traditional reasons (neutrality, recourse to the UN, gaullistic tendencies), political considerations played a big part. Especially in France¹¹⁹ and Germany, where elections took place in May and September 2002, Chirac and Schröder realised that opposing the war could increase their chances. After they have been both re-elected, they continued being the main antagonists of the US and the ‘war on terror’, which they symbolically showed at the celebration for the 40th anniversary of the Elysée Treaty on 22 January 2003¹²⁰. The Netherlands, Luxembourg, Sweden, Finland, Slovenia, Cyprus and Austria joined them in their stance that the weapons inspectors needed more time and that the United Nations Security Council (UNSC) first would need to approve the invasion. The second camp supported the US and its plans to invade Iraq. They included the UK, Spain, Portugal, Italy, Denmark, Poland, Hungary,

¹¹⁷ Brian Crowe, *A common European foreign policy after Iraq?*, *International Affairs* 79, 3, 2003, p. 534f.

¹¹⁸ *Ibid*, p. 535.

¹¹⁹ Like always, for sure economical aspects also affected the outcome, considering that the biggest French oil company ‘Total’ was afraid about the contracts it had with Saddam Hussein in Iraq.

¹²⁰ At the same day, also US Secretary of Defence Donald Rumsfeld heated up the discussion by his statement that there is an ‘old’ and a ‘new’ Europe. The situation for the candidate countries of the EU was definitely also a difficult one, insofar they wanted to have good relations with Europe (mostly because of economical matters) and the US (for military issues). The fact that loyalty with the US would be rewarded - something that George W. Bush said more than once- could be seen insofar that Slovenia, Slovakia, Estonia, Lithuania, Latvia (plus Bulgaria and Rumania) were invited to join NATO on 21 and 22 November 2002 at the NATO Summit in Prague. This was a highly desired goal of these countries and insofar it was naturally to side with the US.

Slovakia, Czech Republic, Estonia and Latvia¹²¹. In a response to the Franco-German axis, the so called ‘Gang of Eight’ published a declaration titled ‘United we stand’ just 8 days after the anniversary of the Elysée Treaty (on 30 January 2003) in different (American) newspapers. Shortly afterwards, the ‘Vilnius Ten’ declaration followed, leading to a situation where the intra-European struggles seemed to be discussed solely through the media and where the hopes or expectations of the public concerning a ‘common’ European approach hit the ground. Chirac, in a typical French manner, was adding insult to injury through the following statement of 18 February 2003 that was addressed to the new member states: “[T]hese countries have been not very well behaved [...]. It is not really responsible behaviour. It is not well brought-up behaviour. They missed a good opportunity to keep quit. [...]”¹²². This was the nadir of European unity.

As always in war times, also in this case one could clearly observe the re-emerging of national pride and the importance of independence and nationhood. During the whole - European- crisis over Iraq, ‘Brussels’ was almost never mentioned. Romano Prodi (as President of the Commission), Javier Solana (HR-SG) and Chris Patten (Commissioner for External Affairs) might have tried it, but were to the largest extent excluded from the realm of ‘high’ politics. The reason for this is not only the behaviour of the different states, but is also attributable to the fact that “the US did not (and still does not) recognise the EU as a serious player in its own right in the security and defence field [...]”¹²³.

This can be seen also considering that not the EU as such has a permanent seat in the UNSC, but two European countries and “there is absolutely no sign of Britain and France being willing to give up their national vetoes, let alone their seats, in favour of a European presence”¹²⁴. This further contributed to the dividedness inside the EU insofar

¹²¹ As another example of these furious few weeks of disagreement, there was an “EU foreign ministers meeting on 27 January 2002 in Brussels, [where] a bland declaration (calling for the complete disarmament of Iraq under UN auspices, but disagreeing on the exact road to achieve this objective) illustrated the absurdity of the CFSP’s lowest common denominator approach”. Peter van Ham, *The EU’s War over Iraq*, p. 224.

¹²² Ibid, p. 222.

¹²³ Ibid, p. 217.

¹²⁴ Christopher Hill, *The Evolution of the Common Foreign and Security Policy of the European Union*, p. 14f.

France in the run up to the war vetoed a UN resolution on Iraq and the UK announced that they would go ahead with the invasion with or without an UN approval¹²⁵.

As it is more than obvious from this example, it is valid to state that a 'real common European' stance is still not possible in situations when it actually would be the most necessary. The joint declaration of the EU member states just after 9/11 which stated that they would "continue to develop the Common Foreign and Security Policy with a view to ensuring that the Union is genuinely capable of speaking out clearly and doing so with one voice"¹²⁶ proved to be not more than one more 'empty' promise. "It is difficult after Iraq to live under the illusion that the EU is on the verge of achieving superpower status, or even that it is displaying a steady tendency towards greater convergence in foreign policy"¹²⁷. However, as we have seen, the questions and problems which have been raised since the terror attacks and during the following crisis went to the heart of CFSP/ESDP itself, insofar they affected:

- a) the problems between the bigger and more influential versus the smaller and sometimes also neutral countries
- b) the question concerning a more European or gaullistic or a more transatlantic or American approach
- c) the considerations between 'soft' or 'hard' power and
- d) the seemingly endless query concerning national sovereignty (intergovernmentalism) or a European approach (supranationalism).

Insofar as military matters can be regarded as 'the peak' of 'high' politics, the "reluctance has been the member states' awareness of the fact that foreign policy touches directly on

¹²⁵ Even though since "Spain (like Germany) began its two-year stint in the UNSC in January 2003, the EU was represented with four powerful members, offering a unique opportunity to show off the progress made in its CFSP since the Bosnia/Kosovo debacles". Peter van Ham, *The EU's War over Iraq*, p. 223.

¹²⁶ *Joint Declaration by the Heads of State and Government of the European Union, The President of the European Parliament, The President of the European Commission, and the High Representative for the Common Foreign and Security Policy*, 14.09.2001, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/er/Declaration.en1.pdf (07.08.2006).

¹²⁷ Christopher Hill, *The Evolution of the Common Foreign and Security Policy of the European Union*, p. 7.

that factor which many believe makes a state a state: the sovereignty”¹²⁸. The challenge the EU was facing was insofar not manageable as it would have required a self-sacrificing of the member states in the way that they would have had to give up their traditional values, historical ties and commitments and in this way their identity and independence.

What remains is a question that during a crisis nobody wants to hear, but which is probably the most important ever: ‘What can we learn through our failures and mistakes?’ The most important lesson is that there are (obviously) deficiencies that must be remedied if a ‘real’ CFSP/ESDP wants to be established. Insofar, the events “served to make explicit the various competing agendas and ambitions of the member states which previously, remaining implicit, had inhibited progress towards putting ESDP into action”¹²⁹. There has to be found a consensus concerning the scope and the ambitions of the CFSP/ESDP and this has to be assessed in a realistic way; that means finding the golden mean with which all differences between the member states can be balanced and offset.

As can be seen in the theoretical part of the ESDP, -and this is astonishing- the developments between and after the heavy disputes went on. “Paradoxically, as the crisis over Iraq raged, ESDP took the final steps towards becoming fully operational”¹³⁰. The first military operation in the former Yugoslavian Republic of Macedonia (FYROM) started on 31 March 2003, just on the height of the crisis –and also used, for the first time, capabilities and assets of NATO.

Even though the timing of France and Germany was not appropriate, and also the idea of a fully independent military headquarter for Europe near Brussels was too ambitious, the compromise that has been found with the US (who were finally convinced with the help

¹²⁸ Deniz Altınbaş Akgül, *The European Union Response to September 11*, p. 18.

¹²⁹ Anand Menon, *From crisis to catharsis*, p. 632.

¹³⁰ Ibid, p. 641. Nevertheless it should also be mentioned that the “first non-military and military operations in the context of the ESDP in 2003 are hardly more than the proverbial silver lining on a horizon still overshadowed by heavy clouds”. Hanspeter Neuhold, *The CFSP/ESDP and Enlargement: Some Conclusions*, in: Hanspeter Neuhold, Ernst Sucharipa (Ed.), *The CFSP/ESDP after Enlargement. A Bigger EU = A Stronger EU?*, p. 161.

of the UK) was an important and surprising step, considering that this happened in 2004. The same can be said about the battlegroup concept of the same year, which again was an idea of the 'big three'. This also shows that most of the member states became aware of the necessity to combine the economical aspects of security with some 'hard' military tools. A fact which was realised especially among the smaller states was that a close cooperation between the bigger nations may be even desirable. "When it became clear in December 2003 that London, Paris and Berlin intended to work together closely on security matters, the dominant reaction in the other member states was one of relief: they perceived this as a way of avoiding further damaging splits within the Union. [...There happened] a realization that consensus among them was necessary if EU foreign policies were to function effectively"¹³¹. The most important, however, was the implementation of the security strategy (ESS), which showed the amount of consensus already reached in the course of 2003 concerning common threats and the ways how to best tackle them. Even though the strong focus on multilateralism, it is also in line with the American stance -something, that should also be this way considering that we face the same threats and are longstanding partners.

Nevertheless, another fact that could be observed -especially the longer the chaos in Iraq with its weekly and even daily assaults continued- was that there exist (at least somehow¹³²) different cultures between the US and Europe. Everybody (including the UK) realised that -as important as real military aspects may be- the 'soft' security approach of the European has its own and indispensable value, without which stabilisation is surely impossible. This way of thinking also already existed just shortly after 9/11, when America focused almost exclusively on hunting and capturing the terrorists -'dead or alive'-, while the Europeans still stuck to their traditional values in the form of respect for human rights, international law, sustainable peace and humanitarian aid. One example happened after the war in Afghanistan, when struggles

¹³¹ Ibid, p. 647. However, the 'big three' should also have learned that restricted or private mini-summits are not a proper way to deal with the other states. They should already know, that when it comes to serious or 'high' politics, the others follow, but they would at least like to listen to them.

¹³² This 'at least somehow' should not constitute a kind of vagueness in my argumentation, but rather wants to express my firm belief that the differences just exist in the interests, concepts or traditions of the state machineries. People (individually), on the other hand, are always different and it is insofar nonsense to talk about people (in plural) as being distinguishable.

emerged between the US and the EU “as it became clear that none of the EU states would hand over the terrorism linked persons to the US, unless the US guaranteed not to subject them to the death penalty”¹³³.

Concluding, it can be stated that the phrase of Brian Crowe, saying that ‘Iraq [...] was simply too tough a test’ (quoted at the beginning of this chapter) seems to be more than correct. However, it should not be the first time in the history of the human race that it is necessary for them to have some terrible experience, before they finally start doing something. In the next chapter we will see if they at least tried.

¹³³ Deniz Altınbaş Akgül, *The European Union Response to September 11*, p. 9.

10. A look in the future and the Treaty establishing a Constitution for Europe (TCE)

As the TCE¹³⁴ did not go into force until now due to negative referenda in France and the Netherlands, I will just have a short look on its provisions in this thesis. It is, however, necessary because it provides us with an idea in which direction the EU is going. In the light of CFSP/ESDP this is of special importance, because a lot of innovations in the TCE “are not necessarily dependent on the ratification of the Constitutional Treaty”¹³⁵. As seen above, actions have already been taken (for example the ESS in 2003, the EDA in 2004¹³⁶ or forms of flexible cooperation during the military operation in the Democratic Republic of Congo) and will continue to take place¹³⁷.

As it was the way in former documents and treaties, the outcomes of the TCE are interpreted differently by various authors and range from being ‘significant steps forward’ to ‘not including qualitative improvements’ in the field of CFSP/ESDP. Regarding the split over Iraq, the ongoing crisis situations in the Middle East, terror threats in Europe and the rise of China and India as major powers, the Constitutional treaty in any case would provide the Union with a better self-understanding and self-esteem both internally and externally. This seems to be highly required if the EU effectively wants to play a role on the world stage.

The most important innovation of the TCE would have been the introduction of the Union Minister for Foreign Affairs (UMFA). Being appointed by the European Council (by qualified majority vote) and after agreement of the President of the Commission, s/he

¹³⁴ The whole text of the TCE is available under: <http://eur-lex.europa.eu/en/treaties/dat/12004V/htm/12004V.html> (13.08.2006).

¹³⁵ Franco Algieri, Thomas Bauer, Klaus Brummer, *Further Development of CFSP and ESDP without a Constitution*, p. 4.

¹³⁶ “The European Defence Agency will continue to exist, with the same palette of tasks and responsibilities, regardless of the fate of the Constitutional Treaty. Its role in the implementation of the 2010 Headline Goal, and its attempts to push forward the fulfilment of European defence capability requirements, will remain unaffected as well”. Ibid, p. 13. For this reason the EDA is not especially examined here.

¹³⁷ The post for the Union Minister for Foreign Affairs and the European External Action Service could also be established without the Constitutional treaty by the European Council. Enhanced Cooperation and permanent structured cooperation could only be further established through treaty amendments.

would represent the desired ‘face’ or ‘voice’ for the EU’s foreign affairs. He would be the representative of the Council as well as the Vice-Presidents of the Commission¹³⁸. This so called ‘double hat’ (in the sense of two functions) has caused some critics, but has the potential advantage that it might bring more coherence between the Council and the Commission. The fact that the provisions in the Constitutional treaty are rather vague and that the ‘work in practice’ would depend to the largest extent on the personality of the future Minister for Foreign Affairs could serve well, but has also an inherent risk. On the one hand, real life and the practicality mostly adjust treaty provisions; on the other hand it is questionable what happens if it comes to struggles concerning competencies or if the post of the Union Foreign Minister is given to somebody who cannot fulfill the expectations¹³⁹. Especially the relationship with the President of the European Council, who also has to, “at his or her level and in that capacity¹⁴⁰, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the Union Minister for Foreign Affairs” (Article I-22(2)), will shape the future. The President is another introduction of the TCE; s/he will be elected by qualified majority vote by the Heads of states and governments for a two and a half year term (Article I-22(1)).

The functions of the UMFA would include¹⁴¹:

- Being responsible, together with the European Council and the Commission, to ensure consistency (Article III-292(3) and 294(2)) and cooperation between the member states (Article III-305(1)).

¹³⁸ Insofar he also has to be approved by the European Parliament before he can take up his duties.

¹³⁹ This would not be the case if HR-SH Javier Solana would be elected, who is the most probable candidate. Also, it “has been noted critically that the Foreign Minister’s membership on both the Council and Commission threatens to undermine the latter’s independent power of initiative, since the Commission could propose policies only in cooperation with the Foreign Minister. Conversely, it can be argued that the Foreign Minister’s presence on the Commission might provide that institution with a new opportunity to contribute to the external representation of the EU within the framework of CFSP”. Franco Algieri, Thomas Bauer, Klaus Brummer, *Future Developments of CFSP and ESDP without a Constitution*, p. 7.

¹⁴⁰ This means that the President of the Council would chair the European Council, while the UMFA chairs and speaks on behalf of the Council for Foreign Affairs. In order to lighten the workload of the foreign ministers, the Foreign Affairs Council would be excluded from the Council for General Affairs and work independently.

¹⁴¹ See also Article I-28.

- Chairing the Council of Ministers for Foreign Affairs (Article III-296(1)).
- Representing the Union in CFSP matters (Article III-296(2)).
- Submitting proposals for CFSP issues to the Council of Ministers (Article III-293(2) and Article III-299(1)).
- Convening extraordinary Council of Minister meetings within forty-eight hours (and in emergency cases even faster) (Article III-299(2)).
- Putting forward proposals for special representatives, which than have to be appointed by the Council of Ministers (Article III-302).
- May represent the EU in the UNSC if the Union has defined a decision before (on the request of the member states which sit in the UNSC) (Article III-305 (2)).
- Therefore he will be assisted by the European External Action Service¹⁴² (Article III-296 (3)).

Even though a UMFA would have a huge impact on the external representation of the EU, it is however obvious that national foreign ministers, the President of the European Council and the Commissioner for External Affairs would continue to play a significant role.

Unanimity would still be the general rule concerning decision making in the CFSP, but the TCE allows QMV “when adopting a European decision defining a European action or position, on a proposal which the Union Minister for Foreign Affairs has presented following a specific request to him or her from the European Council, made on its own initiative or that of the Minister” (Article III-300(2(b)) and Articles I-40(6)). It further introduces the possibility that the European Council may decide unanimously to authorise the Council of Ministers to vote with qualified majority in areas that are not considered

¹⁴² The External Action Service would consist of officials from the General Secretariat of the Council, the Commission and national diplomats of the member states. This pragmatic approach “would ideally create a synergetic institutional momentum gathering strength from each of its three pillars (Council, Commission and national staff) without abolishing them”. Daniel Thym, *Reforming Europe’s Common Foreign and Security Policy*, p. 18. That means that the ‘Europeanisation’ of the foreign policies of the member states would continue, due to the fact that “an External Action Service would set in motion a learning process that -while potentially slowgoing- would ultimately promote the consolidation of divergent bureaucratic cultures and ways of thinking”. Franco Algieri, Thomas Bauer, Klaus Brummer, *Future Developments of CFSP and ESDP without a Constitution*, p. 9.

by the Constitution (Article III-300(3) and Article I-40(7)). However, if ‘vital’ interests of member state are concerned (the ‘Luxembourg Compromise’) and in questions related to military or defence, unanimity is required. That means that in this regard the TCE did not reach a decisive breakthrough.

Even though the pillar structure of the TEU would have been formally dissolved and the TCE would have established a single legal personality for the EU¹⁴³ (see Article I-6) in practice the distinction between economical (I), foreign and security (II) and justice and home (III) affairs would still exist. That means, that “the pivotal challenge of coherence and consistency arising from the interaction of the different areas of Union policy will persist under the umbrella of the new Constitution despite the abolition of the pillar structure”¹⁴⁴. Considering the strength the Union could have if it fiercely combines all areas of its foreign policy (Pillar I, II and III), coherence and consistency still seem to be the most important.

The ESDP would be renamed as the common security and defence policy (CSDP). The most important innovation in the sphere of security and defence is that the Petersberg tasks would have been changed and now would include “joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation” (Article III-309). In addition it is stated, that the Council “may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task” (Article III-310). In CFSP and ESDP matters, however, ‘enhanced cooperation’ has to be authorised by a decision taken unanimously by the European Council (Article III-419(2) and Article III-422(3))¹⁴⁵. The TCE also establishes the possibility of ‘permanent structured cooperation’ in security and defence matters. The participating states would have to “fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent

¹⁴³ This does not mean that the Court of Justice would receive the possibility of jurisdiction in CFSP matters.

¹⁴⁴ Daniel Thym, *Reforming Europe’s Common Foreign and Security Policy*, p. 7.

¹⁴⁵ Additionally, a decision in the Council is not taken, when the ‘abstention’ of the votes comprises of one third of the member states or more (Article III-300(1)).

structured cooperation [Protocol 23 of the Constitution on permanent structured cooperation]” (Article III-312). This is an important step considering that decisions between 25 or 27 member states will become inevitably more difficult.

Article I-43 would introduce the solidarity clause¹⁴⁶, which would oblige the member states to “mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

- a) - prevent the terrorist threat in the territory of the Member States;
 - protect democratic institutions and the civilian population from any terrorist attack;
 - assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;

- b) - assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.” (see also Article III-329)

Because the “solidarity clause does not address the matter of a military attack against the sovereign territory of a member state”¹⁴⁷, Article I-41(7) establishes the ‘mutual defence clause’, which would bind all member states to give aid and assistance if one member state is the victim of armed aggression on its territory¹⁴⁸.

As can be seen, the TCE would have introduced a set of provisions that would have strengthened the efficiency and consistency of the EU’s foreign, security and defence

¹⁴⁶ The backdrop of the argument for a solidarity clause was the war on terror, with the French government insisting that NATO’s role in the security system was vanishing”. Vanda Knowles, Silke Thomson-Pottebohm, *The UK, Germany and ESDP*, p. 590. See here for the ongoing discussions which accompanied the development of the security clause in the working group. “The final report [...] contained proposals for a ‘solidarity clause’, a ‘solidarity and common security clause’ and a ‘collective defence clause’ reflecting the wide range of preferences voiced within the working group”. Ibid, p. 591.

¹⁴⁷ Franco Algieri, Thomas Bauer, Klaus Brummer, *Future Developments of CFSP and ESDP without a Constitution*, p. 14.

¹⁴⁸ Here it is again stated, that this “shall not prejudice the specific character of the security and defence policy of certain Member States [...] and] shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation”.

policies. This is of special importance regarding the fact that the debates on the draft articles happened just after the final reports of the working groups¹⁴⁹ were submitted and when the split of the EU concerning the Iraq crisis (described in the last chapter) reached its apogee. The leaders of the European states were able to find compromises through a pragmatic and realistic approach. Especially the ‘big three’ (UK, France and Germany) were able to reconcile themselves and to adjust their views concerning CFSP and ESDP. “Thus the Iraq crisis and its aftermath, a loosening of Germany’s transatlantic ties and the realisation that concerted effort was needed to rebuild bridges after the divisions within Europe, not to mention the very real need to be able to respond effectively to the new threats posed, created a space within which the three key countries were able to find a compromise”¹⁵⁰. All three of them moved away from their traditional extreme positions due to the critical moments which existed before. The UK saw the decline of NATO and accepted the necessity to establish a European defence including its own means. France realised the need to include the UK in security and defence matters (and that a conflict of interests with NATO is not useful) and Germany freed itself of its self-imposed restrictions concerning CFSP and ESDP matters (which existed since WW II) and now is able to conduct its policies again more independently.

It is clear that the TCE would not lead to a kind of overall federalisation of the EU in all related matters, but the search for a ‘single voice’ (leading in the long term to a ‘single mind’) would definitely have received new impulses.

All of this gives hope for the future, even though the TCE did not go into force until now (and with uncertain prospects if it ever will). For the EU as such, however, a way has to be found, because the provisions in the TEU-NV are not really sufficient for 25 or 27 member states. In the area of foreign, security and defence matters, it is important to state again what has already said in the beginning, namely that further developments are possible even without a constitution. In any case, the future of the CFSP and ESDP will continue to be fascinating, thrilling and surprising.

¹⁴⁹ The proposals for reforming the CFSP and ESDP were mainly based on the final reports of working group VII ‘External Action’ and working group VIII ‘Defence’, submitted on 16 December 2002.

¹⁵⁰ Vanda Knowles, Silke Thomson-Pottebohm, *The UK, Germany and ESDP*, p. 601.

11. Conclusion

Due to the fact that this paper wants to find out more about the power of the CFSP and ESDP in a more or less general approach, the answers to the question posed in the introducing chapter must be somehow ambiguous. If the research topic would have focused on a specific issue (the actors, the funding, the legitimacy, the operations, ...), a more explicit answer would have been possible. However, by reducing the research on one of these themes it would not be possible to show the real strength the CFSP and ESDP nowadays possesses in a comprehensive way.

Why are the results ambiguous¹⁵¹ and what can we nevertheless say about the foreign, security and defence policy of the EU? The equivocality that is inherent in the answers is the result of plurality, concerning on the one hand the multiplicity of different aspects that play a role in forming a CFSP and ESDP and on the other hand the differences and insofar difficulties that derive from 25 member states, which all want to have a say and don't want to lose their independence in these matters.

Even though the fortitude was examined in a general way, both aspects mentioned just now are interdependent. The variety of the member states (and their preferences) influence the outcomes of the diverse topics (actors, funding, legitimacy, ...) and in this respect the topic (the CFSP and ESDP) as such. The differences of the member states, the lack of coherence and consistency and the absence of a unified mind and a political will are therefore the main stumbling blocks of a common foreign, security and defence policy. To conclude it is necessary to ask, what these distinctions are about?

The most important is the difference in the philosophical view of life, which depends mostly on historical experiences, traditions and convictions. However, a lot of other factors also play a role here; for example the geographical location, the size and population of the country or the (historical) believe to be a world power.

¹⁵¹ This ambiguity is also demonstrated by the different opinions that appear in the academic literature, where the statements concerning the developments of the CFSP and ESDP range from being important innovations to not constituting a real progress.

In Europe this led to the formation of varying ways, concerning how a state should act. The most obvious and also the extreme points of these distinct approaches are given with the well known differentiation between:

- supranationalism (integration) versus intergovernmentalism (cooperation)
- gaullistic (European) versus atlanticist (American)
- neutral versus intervening states

The combination of 25 states with all the before mentioned dissimilarities hampered the development and the progress of a common approach regarding foreign policy. In this respect the critics of a lot of authors are understandable and it is accurate to state that a real CFSP and ESDP (with an emphasis on the first letter, the C) does not exist until now. This has been proved strikingly with the struggles concerning the Iraq crisis.

As mentioned in this paper, the contrariness of the various interpretations derives from different expectations, ideals and the focus on short or long term results. What has been said so far in this Conclusion reflects the opinion of realists, who consider the nation state as the main actor in international affairs and see the interests of the state as the driving force of any action. This view deals with the outcomes in the short term.

In the analyses it has already been said, that the steps taken (even if they did not have a crucial impact) stimulated what has been called a ‘coordination reflex’, a ‘Brusselsiation’ or a ‘Europeanisation’ of the foreign, defence and security policies of the EU member states. This means that the foundations for a real CFSP and ESDP have been laid down, but that the change to a significant transfer of power will need time (the focus here obviously is on long term considerations). This functionalist approach regards so called ‘spill-overs’ as the most important motor for the integration of the European countries. In this theory, the collectivisation of coal and steel led to the EEC, causing the single market and currency, which in turn will bring about a real CFSP and ESDP over time.

In general both theories are plausible and conceivable. The reason for this are the different time spans considered, which influence the conviction of the realists that the EU will never have the same power as the nation state regarding CFSP/ESDP matters. The functionalists on their side are sure that this will inevitably happen in the long-term.

The inconsistency or ambiguity between these two theories is insofar not indissoluble, but is based on logical and comprehensible matters of facts. Nevertheless, both attempts seem to have some deficiencies regarding their (limited) point of view. By not taking up an integral vision, important aspects are omitted and this restriction is also not dissolved or repaired by so called 'neo-realists' or 'neo-functionalists'. It is perhaps a confusing, but nevertheless proper and important statement to say that either approach is correct in its own respect, but does not show us the whole truth.

The functional approach is not taking into account the factual situation, in which a common foreign, security and defence policy does just not exist. It leaves aside the difficulties to construct a united way by simply declaring that spill-overs will create the necessity to formulate this common approach.

The realists on their side don't seem to understand that the integration of the European countries already has advanced to such an extent, that a real unilateral *modus operandi* is not possible anymore. In this respect it is clear to say, that the split over Iraq was not in the interest of the member states. The realist's perspective which solely refers to the needs of the nation state is vanishing, because these concerns can not be handled anymore without the EU as such. With other existing and emerging superpowers on the world stage, the interests of the EU nation states have to be pursued through the EU if they should be taken into account seriously. In other words: the interests of the member states (the main component for realists) can only be guaranteed within a strong EU (the ultimate destination for functionalists) but not anymore through the nation states alone.

This (personal) conviction indicates the reason why this paper is not dealing with the different theories of international relations, but wanted to show the theoretical

developments and the following practical consequences in an objective way (that means beyond realism and functionalism).

What can we say now about the real power of the CFSP and ESDP?

Following the results of the analyses given in this thesis, we can say that at this stage it is still limited because of existing differences and the pride of the various nation states.

Concerning the future a down-to-earth assessment is not possible, because nobody can predict the future. Expected and unexpected internal and external incidents will shape the form and content of the EU. However, it is valid to prognosticate what will come if this is done in a realistic way. Most probably, the world will move together due to the effect of globalisation. Tensions will arise through 'new' threats (terrorism, WMD, immigration, organised crime, ...) and the Middle-East conflict (or more generally between the Arab and the Western world). If these trends continue, the role of the EU and the way it will change can be forecasted pretty well. Instead of the continuation of national pride (or even conflicts between the different countries) and the pursuit of merely national interests, the EU will become more and more important. Especially these new dangers and troubles, which are situated outside Europe, will bring about a more consistent, strengthened and united course of action for the EU. The differences will wither and the similarities will surface. Beside the existing diversity the nation states and the European population have a great deal in common. The wish to foster peace around the world will be further accelerated and probably will become more important than historical commitments or economic incentives. And even if it will come just the other way round (which is even more probable), in the sense that economical considerations and the question of power will remain to be the quintessence of the political life, this will not reduce the importance of the EU. Much more, this will boost its strength, because even though Europeans like to see themselves as 'civilised' or 'cultivated' it is obvious that the desire for power is still in us like in everybody else.

This may be the reason why the majority of the European population supports a common approach in CFSP and ESDP matters. Regarding the crisis over Iraq it thus can be stated that “we have today reached a point where our expectation is that the EU member states can and should be able to reconcile and coordinate their foreign policies in an EU common position. The surprise is that we are shocked when they cannot, not the other way around. We have come a long way in thirty years”¹⁵².

My personal opinion has been stated in this Conclusion, which refers to the fact that the powers of the CFSP and ESDP are still limited. It will continue to be work in progress for long times coming. Due to the fact that the internal coherence between the EU member states is not increasing because of national and political reasons, the development of the CFSP and ESDP will depend to a large extent on external incidents. In the sphere of foreign policy, however, the EU has a great potential to foster its own integration due to the support it receives from the public and because of the importance of this topic in world politics.

¹⁵² Christopher Reynolds, *Irreconcilable Differences? National Convergence and Divergence in the CFSP*, in: Dieter Mahnke, Alicia Ambos, Christopher Reynolds (Ed.), *European Foreign Policy*, p. 52.

12. Appendix

ESDP-operations¹⁵³

EUPM (European Union Police Mission) was the first operation of the ESDP. It started on 1 January 2003 in Bosnia and Herzegovina (BiH) and consisted in monitoring, mentoring and inspection activities. It included around 500 police officers from more than thirty countries.

CONCORDIA used for the first time capabilities and assets of NATO and lasted from 31 March 2003 till 15 December 2003 in the former Yugoslavian Republic of Macedonia (FYROM). The goal of this military operation was to stabilise the situation and contribute to peace in order to implement the 'Ohrid Framework Agreement'.

ARTEMIS was a military operation in the Democratic Republic of Congo (DRC) that started on 12 June 2003. It focused mainly on the improvement of the humanitarian situation and security in Bunia. The operation lasted till 1 September 2003.

EUPOL PROXIMA (European Union Police Mission) was launched on 15 December 2003. It had the goal to further promoting security through monitoring, mentoring and advising the domestic police of the FYROM by European Police experts (in line with the 'Ohrid Framework Agreement'). The Police Mission ended on 14 December 2005.

EUJUST THEMIS (EU Rule of Law Mission to Georgia) was the first Rule of Law Mission and started on 16 July 2004 in Georgia. Ministers, senior officials and appropriate bodies at the level of the central government were advised and supported by experienced personnel of the EU. The mission was completed on 14 July 2005.

¹⁵³ The information provided in this chapter derives mainly from http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=268&lang=en&mode=g, which also contains a lot of additional material.

EUFOR ALTHEA is a military operation in Bosnia and Herzegovina (BiH) which was initiated on 12 July 2004 (starting on 2 December 2004) and contributes to a safe and secure environment in BiH. It wants to increase the political engagement of the EU, including its assistance programmes and its ongoing police and monitoring missions.

EUPOL KINSHASA (European Union Police Mission in Kinshasa) started to operate on 30 April 2004 and monitors, mentors, and advises the Integrated Police Unit (IPU) under the Congolese line of command. It was the first civil mission for crisis management in Africa within the framework of ESDP and contains of 30 people.

EUSEC - R.D. CONGO takes place in the Democratic Republic of Congo and seeks to give advice and assistance concerning security reforms to the Congolese authorities. The mission started at 8 June 2005.

EUJUST LEX is said to be an integrated rule-of-law mission for Iraq that focuses on training senior officials and executive staff from the judiciary, the police and the penitentiary. It started on 1 July 2005 for 12 months.

EU Support to AMIS II (Darfur) was established on 18 July 2005 and was created to improve AMIS II (the UN-supported African Union Mission in the Darfur region of Sudan). It includes military and civilian aspects.

AMM (Aceh monitoring mission) started on 15 September 2005 and helps to implement the various aspects of the peace agreement between the Government of Indonesia (GoI) and the Free Aceh Movement (GAM), established through the Memorandum of Understanding (MoU) on 15 August 2005. Switzerland, Norway and some ASEAN countries also contribute to this mission.

EU BAM Rafah (EU Border Assistance Mission at Rafah) started to operate on 30 November 2005 and will last 12 months. Its task is to monitor the "Agreement on

Movement and Access" between Israel and the Palestinian Authority concerning a safe border crossing point in Rafah.

EU Border Assistance Mission to Moldova and Ukraine includes border and customs management on the border between Moldova and Ukraine. It began to operate on 1 December 2005 for a period of minimum two years.

EUPAT (EU police advisory team) started on 15 December 2005 in the Former Yugoslav Republic of Macedonia after the termination of the EU Police Mission PROXIMA. It includes around 30 police advisors, who should monitor and help the domestic police regarding border issues, public peace, the fight against corruption and organised crime.

EUPOL COPPS is an EU Police Mission in the Palestinian Territories and was initiated on 14 November 2005. The operational phase started on 1 January 2006 and will last for 3 years. It has a focus on long term reforms and provides support to the Palestinian Authority in establishing sustainable and effective policing arrangements.

EUPT Kosovo (European Union Planning Team Kosovo) arose from a Council decision of 10 April 2006 to form a Joint Action for a Possible EU operation in Kosovo in the form of crisis management. In the future, it should take over the tasks of the United Nations Interim Administration Mission in Kosovo (UNMIK).

EUFOR RD Congo is a military operation of the EU to support the UN mission in the Democratic Republic of Congo (MONUC). The Council decided this Joint Action on 27 April 2006 in order to stabilise the region and protect civilians during the election process in the RD Congo.

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